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AUTHOR	Zalman, Marvin
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ABSTRACT

The differences between criminology and criminal justice are assessed by comparing them to a more abstract typology. This typology is comprised of four basic elements: the focal concerns of the fields; career patterns of professionals; the extent to which the fields are theoretically based and are disciplines, sciences, and professions; and the relationship of the two fields to legal studies. The primary focus of criminology is the study and explanation of crime as a social phenomenon while the focus of criminal justice studies is on the agencies designed to deal with crime. A major dividing line between criminology and criminal justice is the work orientations of each field: most criminologists are university-based teachers and researchers, while criminal justice is a field of practice. Various disciplines, sciences, and fields of study that comprise criminology and criminal justice are identified. It is suggested that the tone of criminology education is more discipline-oriented, although it is becoming less dominated by sociology, while criminal justice teaching is more oriented to a field of practice that is large and diverse. Criminal justice has some of the characteristics of professional education and is inherently multidisciplinary. However, certain common themes run through criminal justice teaching, research, and scholarship, including concerns for law, administration, politics, and a strong policy orientation based heavily on systems and program analysis but also incorporating legal reforms. It is suggested that many criminologists and criminal justice academicians are social scientists; however, as institutions neither criminology nor criminal justice is a science or a discipline. A bibliography is appended. (SW)

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A Heuristic Model of Criminology and Criminal Justice

Marvin Zalman

February 1981

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Preface

This monograph was commissioned by the Joint Commission on Criminology and Criminal Justice Education and Standards as part of a larger effort designed to explore the numerous issues surrounding criminology and criminal justice education. The Commission recognized, shortly after it began its work, that the debate over the similarities and differences between criminology and criminal justice was one of the premiere issues to be considered. The Commission has sponsored three major scholarly works that examine this issue.

The first work, published in 1979 as part of this monograph series, was the papers prepared by John P. Conrad and Richard A. Myron. These papers approached the task of delineating the boundaries of criminology and criminal justice by emphasizing formal definitions of the field(s), occupational roles, contemporary educational trends, and future development. The conclusion that flows from this preliminary effort is that the differences between criminology and criminal justice are real and not just semantical. Criminology and criminal justice are relatively distinct fields of study, and this distinction is likely to remain in the future.

Frank T. Morn, in the second work sponsored and published (1980) by the Commission on this issue, takes a different approach. Using a historical inquiry, Professor Morn seeks to determine why a debate over the nature of criminology versus criminal justice exists. For Professor Morn, the answer to this query is found in the professionalization processes that characterize the development of all academic professions.

In the present effort, Marvin Zalman assesses the differences between criminology and criminal justice by comparing them to a more abstract typology. This typology is comprised of four basic elements: the focal concerns of the fields; career patterns of professionals; the extent to which the fields are theoretically based and are disciplines, sciences, and professions; and the relationship of the two fields to legal studies.

Professor Zalman's typological analysis leads him to conclude that real differences between the fields of criminology and criminal justice exist, and these differences are obscured but not eradicated by the use of "labels." Nevertheless, Professor Zalman also maintains that the distinctions are far from perfect since overlap between the fields does occur, especially in the area of research. Additionally, the distinction between its fields does not clearly mandate appropriate structural and programmatic location within higher education. In Professor Zalman's view, the strains and tensions between criminology and criminal justice are likely to continue and a "common paradigm which blends criminology and criminal justice into a unitary field is not forthcoming."

The Joint Commission hopes that this monograph fosters additional debate on this important issue. Such debate can make an important contribution toward facilitating the achievement of the goals of crime-related education.

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Vincent J. Webb
Principal Investigator

Author's Preface

A monograph is simply a short book or extended paper written on a single topic. To me, however, a monograph connotes a *scientific* exposition of a topic which is longer and fuller than a journal article but less than the complete treatment found in a treatise. This monograph has more the character of an extended essay—on the subject of the differences and similarities between criminology and criminal justice—than of a scientific monograph. The treatment of the topics herein is heuristic and partly impressionistic, based on my personal concepts that have developed over the last decade of teaching, and informed by the comments, writings and studies of others.

As a law teacher in a criminal justice program (albeit one who has taught other criminal justice and criminology courses) I have reflected on the essential distinctions between substantive criminal law and criminal procedure and attempted to find a rationale to justify the presence of these courses in a criminal justice program. My thinking was shaped by Jerome Hall's profound treatment of the essential connection between criminology and penal (criminal law) theory (Hall, 1960: 600-21). This train of thought ripened into an outline of various distinctions between the two interrelated areas which became part of an introductory lecture in several of my classes. When the call for papers for the 1979 Academy of Criminal Justice Sciences meeting included the topic of criminology vs. criminal justice, I thought that it would be a nice opportunity to flesh out my thoughts on this rather obscure corner of concern to disinterested academics. What I discovered, of course, between responding to the call for papers and writing the paper, is that the topic is of major importance to hundreds of academic programs seeking direction and to a growing movement for the accreditation of these programs. The direction, aura, and course content of these programs may well be affected by the work of the Joint Commission on Criminology and Criminal Justice Education and Standards and the larger debate taking place. Thus, the opportunity to expand the 1979 essay into the present piece is done with the knowledge that worldly consequences may follow. Still, the basis of the following essay was formulated only out of scholarly curiosity and a desire to reflect on what my colleagues and I are doing.

I would like to acknowledge the encouragement of Vincent Webb, the principal investigator for the Joint Commission on Criminology and Criminal Justice Education and Standards. This work is one of several—including scientific surveys of criminology and criminal justice education—being sponsored by the Joint Commission. When these works are completed they will offer a coherent picture of the nature of the crime related educational enterprise. Already, the Conrad and Myren (1979) papers are available to provoke thought and reaction. It is to be hoped that The Joint Commission's total output will help resolve

unnecessary conflict and lead to the maturation of crime related education at a critical point in its growth.

I would like to thank those who participated in the 1979 A.C.J.S. panel on this topic. The presenters, Professor Ernest Wood and Dr. Price Foster, contributed highly stimulating papers which were responded to vigorously by Professor Julius Debro as discussant and by the members of the audience. Some comments have caused me to qualify some points but the main outline of that presentation is retained herein.

Chapter One
Introduction

Are criminology and criminal justice distinct academic programs and professions or are they different aspects of the same field? Is either area a science? Or a discipline? If criminology and criminal justice do not stand alone, are they multidisciplines or interdisciplines? And which fields, professions, disciplines and sciences comprise the two areas? What are the relationships between and among the diverse components of criminology and criminal justice? Which college courses and programs, if any, are most appropriate for the education of future police and corrections line officers, administrators, crime and deviance researchers, and the next generation of crime-related academicians?

These questions are not esoteric. They are important to all who fancy themselves criminologists or 'justicians'[1] and may be vital to the size, shape, and control of the academic programs which channel a larger and larger proportion of educated personnel into criminal justice agencies. The enormous growth of criminal justice programs in the recent past has been amply documented (Tenney, 1971; Senna, 1974; Klyman and Karman, 1974; Conrad and Myren, 1979:23; Kobetz, 1978). Between 1966 and 1978 the number of institutions offering some kind of criminology or criminal justice degree jumped from 184 to 816. Such rapid growth has been accompanied by costs to program coherence and quality. The goal of this monograph is to contribute to the programmatic coherence of academic departments or programs of criminology and/or criminal justice by constructing a typology of these areas and commenting on the implications of the typology for crime related higher education.

This question, although of pressing concern, does not encompass the entire range of issues that are faced by crime related educational programs. At this time of consolidation, after a period of pell-mell growth, a variety of concerns have to be addressed by educational leaders which are either briefly noted or not dealt with herein. For example, with the demise of LEEP (Law Enforcement Education Program) funds, what will be the attrition of the criminal justice/criminology student body and how many programs will fail? Will the relative decline of crime as a popularly perceived social problem affect undergraduates in their choice of areas of study? In a broader sense, what is the target group of students sought by crime related programs? The audience of students to be addressed is perhaps the most vital matter facing college programs. Those students who

[1]As a recipient and recorder of the oral tradition of criminal justice, I can attest that the term 'justician' originated with Richard Myren. For those who require a written source to verify a point, see Conrad and Myren (1979:13).

self-select or are recruited into crime related programs will have an impact on the nature, content, and quality of courses offered. Conjecture can take us only so far but the most relevant fact of the last decade is that the huge influx of job seeking or job enhancing students has modified the nature of crime related programs from the sociologically oriented crime etiology tradition toward the criminal justice agency orientation. The concerns of the students of the 1980's will surely have some impact on how programs are structured and these concerns must be canvassed.

Another matter that affects scholars of crime is the availability and direction of research funds. Criminology and criminal justice studies have not for some time been pursued by solo researchers, operating on shoestring budgets, following questions of idiosyncratic and perhaps esoteric interest. As with the bulk of social science research, university and institutionally based crime and justice research is guided and shaped by available government and private funding which in turn flows in rough proportion to public concerns. Since public concerns are in large measure shaped by the input of intellectuals (Steinfels, 1979:6), it would be naive, even petulant, for academicians to argue that their intellectual freedom is being curtailed by the existence of this state of affairs. Still, the amount of research funds, the problem areas into which the funds are directed, and the theoretical levels at which requests for proposals are set are important to individual professors and to programs. When the National Institute of Law Enforcement and Criminal Justice, or its successors if any, set priority areas for research, this in a sense casts a spotlight on some areas while leaving other subjects in relative obscurity. As the reseach community is drawn to the highlighted areas, we can expect that courses and texts will also focus on the knowledge and writings so generated and thus help to define the boundaries of crime related education.

Other tangential matters concern the relationship of crime-related programs to the rest of the academic community and to the larger society. Criminal justice programs, because of their novelty, rapid growth, and professional orientation have raised serious questions concerning the quality of the education that is offered and the research that is performed (Sherman, 1978). Also, given the multidisciplinary character of crime related education, boundary disputes between it and other academic departments are inevitable. As one author has noted, criminal justice may be too narrowly conceived today, but it must have a focus if it is not to become "a miniature version of a college of liberal arts" (Streib, 1977:169). Comments on the quality of crime related education will be offered herein, but not with the depth that is found in the "Sherman Report." Much space will be devoted in this monograph to the multidisciplinary nature of criminology and criminal justice. It should be kept in mind that this discussion is offered in a spirit of dispassionate scholarship. The author does not intend that his comments should necessarily have programmatic implications. Decisions as to where departmental boundary lines are drawn are matters of academic politics. One must be aware of these kinds of issues and deal with them while at the same time maintaining some detachment from parochial concerns.

Chapter Two
A Typology of Criminal Justice and Criminology

To explain the nature and extent of differences between criminology and criminal justice, a typology of sorts is proposed. Each part deals with aspects of both fields. This chapter contains a brief outline of the typology and a statement of assumptions which may make the categories and substance of the typology clearer. Following chapters elaborate on each category of the typology. The categories are set out in the form of questions.

The Typology

I. *What are the focal concerns of criminology and criminal justice?*

In the most general terms, criminology is concerned with the socio-legal phenomenon of crime and criminal justice is concerned with agencies of crime control. As will be noted in the statement of assumptions, this distinction is not absolute; there is much overlap. But if a field is to have any coherence it must have a focus. The main business of criminology has been to explain the etiology, extent, and nature of crime in society. Criminologists have been concerned with social reaction to deviant and harmful behavior because crime cannot be defined apart from its formal social labeling. The idea that the social reaction to crime is intertwined with its explanation is both simple and profound although it has flowered to ripeness and beyond among some labeling theorists. However, once a social scientist becomes interested in the social reaction for its own sake, he is engaged in another enterprise, such as political science or criminal justice.

The agencies of social control which deal with crime and delinquency constitute the focal concern of criminal justice. Criminal justice scholars are engaged in the description, analysis, and explanation of the behavior of the personnel of these agencies. Just as criminologists must be knowledgeable about criminal justice, criminal justice scholars and practitioners must be aware of the theories of crime causation and other aspects of criminology.

Since both fields are "crime related" the amount of overlap is extensive. Some issues, such as the labeling theory of crime causation or deterrence, appear to fall midway between the two fields, and thus belong to both. Also, many scholars may have interests which carry them back and forth between the two areas to such an extent that in their career boundary lines become blurred. Finally, it is common and appropriate for academic programs of criminology and criminal justice to contain courses from each other's area.

II. *How are the fields of criminology and criminal justice to be characterized in terms of the career patterns of professionals who work in them?*

The stereotype of the criminologist is of a university research professor while the stereotypic criminal justice professional is a law enforcement officer. Underlying these stereotypes are certain realities. Until the explosion of interest in criminal justice in the 1960's criminology in America was seen almost exclusively as a subdivison of academic sociology. Even the notion that sociologists interested in explaining crime had something to learn from psychologists was not easily accepted in the 1950's and early 1960's. While prison officials, especially staff concerned with rehabilitative programs, were sometimes loosely labeled as criminologists, this trend was resisted by academicians. Research criminologists in the 1970's have found employment, *as criminologists*, in criminal justice agencies and in some political and planning offices, but it remains apparent that the largest number of working criminologists—and by far the most influential—are university research professors.

There are over one million persons employed in some capacity in criminal justice in the United States. Approximately two-thirds are municipal, state and federal police officers and higher officials. A substantial number work in corrections. The criminal justice field is monolithic if the overwhelming number of law enforcement officers is taken as the measure of the field. Or, it can be seen as bewilderingly diverse, including defense attorneys, prosecutors, trial and appellate judges, juvenile intake officers, pre-trial release officers, probation officers, presentence report writers, scientific investigators, laboratory criminalists, forensic pathologists, court managers, budget specialists, planners, information systems specialists, training officers, parole board members, sentencing commission members, and other roles needed to insure the functioning of the organs of social order in a complex society. In either case, what stands out is that the number of criminal justice academicians and research scholars is few in comparison to the large number of persons who serve in a variety of line and staff positions, whether or not characterized as professional.

III. *To what extent are criminology and criminal justice theoretically based fields? Is either a discipline? A science? A profession?*

These questions are subjects of controversy because of the developing nature of the fields and because of their hybrid and complex makeup. Of course, the status of those who work within these fields is implicated, so the controversy takes on a strident note.

The academic side of criminal justice and criminology must be separated from the non-academic for these questions to be answered. Is criminology a science? Are there theories of criminal justice? Is either field a discipline? The logical way to answer such questions, it would seem, is to begin with accepted criteria of 'science' and 'discipline' and determine whether either field of endeavor closely enough 'fits' the criteria. A different approach is taken herein. I make the assumption that when one says that criminology *is* a science, or criminal justice *is* a discipline, that one is making an institutional statement. Unlike a scientific or logical conclusion, this use of 'is' is in a sense political. By characterizing endeavors in a certain way, speakers are involved in goal-seeking behavior which is partly descriptive and in part prescriptive. If I label my work as scientific the statement is honorific (I am a scientist, an enviable position), prescriptive (I should engage in work of a certain type that is widely recognized as scientific), value laden (science is generally seen as a good enterprise, to be rewarded by society), as well as descriptive (the objective attributes of science, agreed by most practitioners, apply to my work). Given this mixture of meanings that labels can take on, it seems to me that it is useful to guess at the consequences of using certain labels. When medical practitioners, at a time in the history of their

profession, widely stated and believed that medicine *is* a science, this had real implications for modes of patient treatment, the kinds of procedures to be used, and the sorts of health related problems that practitioners and researchers would be concerned with. If medical practitioners, on the other hand, assume, believe, and say that medicine is a healing art, allied to sciences, then what physicians do is likely to be different. What criminologists say they are has implications for what they do, and therefore we must be sensitive to goals and values when engaging in self-definition.

For reasons to be explained at length, it seems to me that academic criminology is in some ways a science but it is better (more useful) for criminologists to use such a label with care. Again, for teleological reasons, it seems useful to refer to criminology and criminal justice as crime-related fields rather than disciplines. An objective criterion of an academic discipline that is widely accepted is a self-contained body of methods and knowledge. Certain interdisciplines develop into disciplines in this sense. Yet, both areas seem to be inherently interdisciplinary—to such a degree that neither can or should be seen as a discipline. Also, while criminal justice is too diverse a field to conveniently be labeled a science, like criminology it is a field wherein social (and natural) scientists work. Theories of crime abound and there are theories of social control which apply to criminal justice. Both fields are concerned with personal and social values, with public policymaking and evaluation, criminal justice with professional education, and both are peripherally concerned with humanistic studies such as history. However, while neither academic field can be called a discipline or a science, both can be seen as *interdisciplinary crime related fields resting primarily on allied social sciences. The development and testing of theories of deviant behavior and social control are central to the broader enterprises which comprise criminology and criminal justice.*

To ask whether criminology or criminal justice are professions assumes that the non-academic world is being assessed. All academicians and researchers are seen as professionals. Thus, given the academic nature of criminology, it is a profession. Within non-academic criminal justice the issue is a lively one. If the hallmark of a profession is the amount of autonomy and discretion that workers exercise, then an argument can be made that line level law enforcement officers are professionals. As with the designation of an academic field as a discipline, the designation of a field of practice as a profession has implications for the role behavior of practitioners. However criminal justice practitioners define themselves, academicians in criminal justice lean toward the view that most line officers in law enforcement and corrections are professionals, in that they exercise a great deal of discretion, one key to professionalism. Candor compels the recognition that the characteristics of job autonomy, formal training, an established code of ethics and self-enforcement mechanisms, all characteristics of professionalism, are lacking in criminal justice, raising doubts about professionalism. The move toward police and corrections unionization is ambiguous since traditional professions are witnessing the encroachment of unionization. But, the academic view in defining criminal justice practice is goal seeking in the same way that self definition is. The great burst of activity since the 1960's that has established criminal justice as a large component of American higher education has grown out of the perceived need to move the practice of criminal justice toward professionalism. This motivating idea developed in response to a diagnosis of problems in American criminal justice. Professionalism has been seen as a solution to corruption, brutality, and incompetence. With these goals in mind it is useful to define criminal justice practice as a profession. However, care should

be taken because, if the idealistic goals of criminal justice education should prove unattainable, careerist aspects may intrude to continue programs or educational models that require modification.

IV. *What are the concomitants of criminology and criminal justice in the area of legal studies?*

If one examines course offerings in legal subjects in most criminology or criminal justice programs it appears that they are offered on a pragmatic rather than on a theoretical basis. If crime related educational programs are to be theoretically coherent, then substantive criminal law, which validates social values by proscribing acts which political bodies deem injurious to the fabric of society, must be part of the education of criminologists. If this were so in the past, several misunderstandings which infected the lively debate concerning the definition of crime could have been avoided. This conclusion is based on Jerome Hall's insight that "criminology and penal theory are actually interdependent phases of a single body of knowledge" (Hall, 1960:601).

Law offerings in criminal justice programs are often made on the assumption that the programs are vocational, pre-professional, or professional and that any learning which seems to be useful to recent graduates is appropriate. (This assumes that assumptions are in fact made; another possibility is that chairpersons of criminal justice programs simply abdicate all such decisions to law trained instructors, who are allowed to teach their dark arts in blissful isolation from the rest of the program). It follows that courses such as criminal law, criminal procedure, evidence, corrections law, administrative law, and others may be offered in any sequence and without a clear idea of how such courses contribute to a student's understanding of criminal justice. If, as is posited here, the focal concern of criminal justice education is the understanding of the behavior of criminal justice practitioners within the framework of public agencies, then the procedural courses (especially criminal procedure, corrections law, and administrative law) are critical. Public procedural law is designed to facilitate and control the acts of public officials to achieve the somewhat conflicting goals of efficiency and fairness-as-liberty. A course on constitutional procedure exposes the students to superordinate norms which a law-making body (the courts, especially the United States Supreme Court) imposes on the "natural" acts of police officers, prosecutors, trial judges, and others. There is a rough parallel here to the criminology-criminal law relationship. Public officials who have responsibilities to maintain order in the name of a central government can be expected to act within predictable ranges of behavior, given existing constraints and social characteristics, to maximize social control. Since social goals are complex and contradictory (freedom and order, justice and power, innovation and stability, see Cahn, 1949) the same government which empowers its agents to maintain order may also restrain them. Thus, the response by criminal justice officials to legal norms should be an important part of criminal justice education.

The implications of these remarks is that law, in criminology and criminal justice programs, should be taught as branches of social science. While there is a place for the didactic study of law, such an exclusive focus will isolate the legal component of crime related programs. In short, law courses in criminology and criminal justice programs should emphasize the social roots of the rules, the public process whereby the rules are formed, the historic purposes of the rules, how and to what extent the rules influence behavior, and what impact changes in the legal rules would have. This would treat the study of legal rules as a social science although a policy orientation could be fashioned.

Assumptions

The outline of the typology given above is made with certain assumptions in mind.

1. *Scientific* typologies of fields of endeavor are neither possible nor worthwhile; the distinctions developed herein are heuristic and teleological, designed to foster certain goals of academic programming. The drawing of distinctions is an ancient human activity, at least as old as the Greek philosophers and as recent as the most up-to-date typology in the sciences. There are happy sciences where typologies are exhaustive and mutually exclusive; unfortunately, the fields of criminology and criminal justice have not been successful in satisfactorily classifying the basic subject matter under study. Perhaps this stems from the uncertainty of their nature—for example, whether criminology is the scientific study of criminal behavior or whether it is an area of clinical practice. In going beyond the subject matter of criminal justice and criminology to typologies of the fields themselves, it is assumed that distinctions are arbitrary and conventional; in Aristotle's terms their "views invade each other's territory" (Aristotle:372).

2. A corollary to the first assumption is that writers who draw distinctions between criminal justice and criminology or who attempt to define either field—or any field of human endeavor—do so for a purpose. When Marvin Wolfgang, for example, defined criminology exclusively as a science it is possible that he was describing his own concerns and sought to mold a still plastic field (Wolfgang, 1963). While the present author protests in the author's preface that his concern for this topic arose out of academic concerns, it is also true that the present concern in crime related fields with curricular structures and standards and with accreditation gives a teleological cast to this essay. As a result, some of the conclusions that are made herein are made not as a result of the ineluctable force of iron logic but as a result of probabilistic beliefs as to the consequences of those conclusions. To put it another way, this author believes that an open awareness of the goal orientations in this sort of essay will produce sounder and more useful conclusions. Latitudinarianism is preferable to dogma here.

3. The second assumption requires that some thought be given to the goals seen as desirable. Looking solely to the academic world, this author's preferences are first that the large enterprise which is criminal justice undergraduate education improve in quality so as to become a vibrant part of the liberal education of college students. Next, the fields should be so structured as to foster the development of good theories concerning crime, deviant behavior, criminal justice, and social control. Finally, programs should be so organized as to provide professional education (at the graduate level) which would help to mold and improve the very diverse fields of practice which encompass criminology and criminal justice. The impacts of decisions made in academia may be great. Lawyers, for example, have been aware at least since Jerome Frank's criticism of legal education, of the profound influence for good and for bad that the Langdellian case method has had on the way in which American lawyers act and think (Frank, 1963:225-46). Indeed, this awareness had led to the recent introduction of more clinical requirements in law schools so as to remedy the flaws seen in overly scholastic practitioners.

4. Another point which flows from the latitudinarian approach is that there is overlap between criminology and criminal justice. Despite some models which infer a simple bifurcation between criminology and criminal justice (Jeffrey, 1978:150-53), there is clearly some overlap of basic concern between the two fields. Thus, criminal justice practitioners, planners, and scholars are adrift in

their world if they do not have an appropriate level of understanding about crime rates, patterns, prevalence, etc. Likewise, even a basic understanding of criminal behavior must take into account those social-legal institutions which have a real but not fully understood impact on behavior. Wolfgang postulates this theme and says that "the social work activities of probation and parole officers, the organization and administrative functions of the police, or the management of penal institutions" is not part of criminology (Wolfgang, 1963:159). But this cannot be universally true if it is a fact that penal administration partially shapes the nature of crimes committed within prisons, if police manpower allocations affect the rates and patterns of at least "victimless crime," or if the sum total of criminal justice activity has an incapacitative and deterrent effect upon crime. It appears to me that certain areas of study such as the labeling theory of deviance, or recidivism (Nacci, 1978), or deterrence inherently overlap the two fields. They cannot be neatly categorized into one or the other without doing violence to their basic concerns.

5. Despite the overlap between the two areas, there is enough real difference between them for criminal justice and criminology to be considered distinct academic and professional areas. This, of course, flows from the first part of the typology which posits that criminology is a field of study and endeavor concerned with explaining the definition of crime, crime rates, patterns, and social reaction to crime. Criminal justice is the practice and study of public and private agencies and groups which seek to control and defend juvenile delinquents, criminal suspects, and convicted offenders. This assumption about the boundary between the two fields in effect makes it clear that the typology has an element of arbitrariness. It restates the first assumption and adds the insight that what is arbitrary is not unreal, a point made forcefully by Shlomo Shoham in an analogy between the norms of criminal law and political boundaries.

> The norms of the criminal law, although very often crude and arbitrary from the psychological, sociological, and moral point of view, may be likened to the political boundaries of a state; these boundaries are largely arbitrary and artificial and quite often transcend the natural and topographical structure of the surrounding areas, but nobody can regard these boundaries as unreal or non-existent. They are there and one has to be provided with a permit, be examined by customs and change currency in order to pass them (Shoham, 1965:273, quoted in Bloch and Geis, 1970:21).

Chapter Three

The Focal Concerns of Criminology and Criminal Justice

There is no ultimate reason why the professional activities of criminologists and 'criminal justicians' cannot be merged into one program of study. Likewise, there is no iron logic that dictates that anthropologists, economists, geographers, political scientists, psychologists, and sociologists be housed in separate university departments. Departmental boundaries and location are often matters of convenience. Economics may be located, as a department, in a business college or in a social science college, and indeed the social sciences may be organized as units in a liberal arts college. Sociology and anthropology departments may be merged in a small university. Given the dangers of narrowmindedness that can result from overspecialization there may be good reason to merge such departments into one social science or social studies unit. To do so would eliminate much that is irrational in present academic structures. Sociologists and political scientists who study complex organizations may find it easier to communicate with departmental party walls knocked down. Anthropologists, geographers, and sociologists interested in rural life may find much to learn from one another. Or, social scientists who are interested in the creation, internalization, and deviation from social norms could feel comfortable as criminologists whether their primary way of looking at the world is personal, cultural, social, political, or spatial. A vibrant explosion of transdisciplinary social research might result from such a radical destructuring of university departments. Carried to an extreme we could ask why all university departments should not be subsumed within an administrative unit named Philosophy, since we professors are all lovers of knowledge and learning.

This *reductio ad absurdum* brings us back to earth. Specialization is more than a matter of administrative convenience. It is a highly productive way of focusing the limited energies of scholars into theoretically and practically useful work. There may be some irrationalities in the grouping of specializations within departments. They seem, however, to provide a way to gather scholars together that provides important needs. The similarity in outlook that is implied in a disciplinary label allows scholars to communicate efficiently. The disciplinary boundary provides coherence, received ideas, and theoretical paradigms without which the work of scholars simply could not proceed.

The modern university also serves interest groups in the larger community with teaching and research in a great variety of areas that cannot be reasonably conceived as basic disciplines.[2] Often relations between the discipline (e.g., political science) and the related area (e.g., public administration) are filled with

[2]For example: forestry, hotel administration, packaging.

administrative and human tensions which stem from the allegedly déclassé nature of the area. The existence and growth of area studies indicates their value to the larger community in providing students with useful knowledge and in providing policy-relevant research. Of course, there are costs to the university and to society if the core of liberal studies—the humanities—is decimated, but that issue is beyond the scope of this essay.

This chapter has begun with a brief excursion into the organizational structure of universities to emphasize that the focal concerns of criminology and criminal justice are not subjects which can be explored in the abstract without awareness of their institutional implications. It is too late in the day to argue against specialization and compartmentalization of disciplines and fields. The question is how various areas will be conceived. The extensive experimentation with the structure of colleges and schools within universities informs us that great variety is possible. There must, however, be some sense of coherence for an area to be perceived as an entity. The burden of this essay, and the heart of the heuristic typology, is that there is a substantial difference between the core concerns of criminology and criminal justice which has some implication for academic program structure.

The primary focus of criminology is the study and explanation of crime as a social phenomenon while the focus of criminal justice studies is on the agencies designed to deal with crime. In this chapter we shall first examine how criminologists have defined their proper sphere of concern and then explore the content, structure, and boundaries of the newer academic field of criminal justice.

A recent survey of criminal justice, edited by two prominent criminologists, begins by canvassing the focus of criminology in the last half century:

> The birth of contemporary criminology in the United States might reasonably be placed in 1924, the year that the first edition of Edwin H. Sutherland's textbook, *Criminology*, was published. . . .
>
> There are three major items associated with Sutherland's approach that virtually monopolized criminological work until recent times, and which today continue to influence it strongly: (1) an emphasis on the causes of crime, focusing primarily on personal and environmental correlates of illegal behavior; (2) a concomitant, but much less thoroughgoing, stress on criminogenic structural aspects of the social system, including the competitive ethos and social class distinctions; and (3) an optimistic reformist concern that called for individualized treatment of offenders, largely through the inculcation of proper work habits and psychological counseling. (Binder and Geis, 1979:613).

This assessment strikes me as quite accurate. However, early criminologists were concerned with the agencies of criminal justice. Frank Morn traces this concern, which was reflected in the work of Vollmer, the nature of the Institute of Criminal Law and Criminology, the merger of its journal with the *American Journal of Police Science*, and the space devoted to justice agencies in the first criminology textbooks (Morn, 1980:9-11). However, the tendency in university departments was toward a bifurcation of programs depending on whether the focus was primarily on crime as a social phenomenon or on law enforcement. If we inquire into the predominant criminological scholarship of the 1920's, the outstanding example is "the Chicago school." This refers to now classic ecological studies of crime patterns and case studies of individual delinquents (Vold, 1979:181-200). The "Chicago school" gave impetus to the development in academic structure that the place where crime—as a social phenomenon—was thought about and taught was the sociology department. Concern with law enforcement was not a central, even a peripheral, concern of such departments. Police higher educa-

tion carved out a tiny niche before the second World War in a few baccalaureate programs (e.g. San Jose State College, Michigan State University). While such programs may have been self-styled as practical criminology, the theoretical criminology world apparently kept its distance. As Morn notes, "Apparently, the University of Chicago's sociology and criminology people were picky enough that when the great college cop, August Vollmer, came to the University to teach for one year, he settled into the political science department rather than the sociology department" (Morn, 1980:11).

Whatever the early confusion between the focus on crime versus the focus on the criminal justice system, the dynamics of academic specialization created an apparent split. From the 1920's to the present, criminology as an academic area was primarily the preserve of the sociologists with psychological criminology playing a minor role. The core concern of sociological criminology, as expressed by criminologists, was the study and explanation of crime as a social phenomenon. Concern with the justice system is seen in the general undergraduate texts but not in the more specialized treatises and theoretical works (Mannheim, 1965; Vold, 1979). This division was stated with clarity and force in an influential article by a leading criminologist, Marvin Wolfgang (1963), which was substantially repeated in Wolfgang and Ferracuti's treatise on the subcultural theory of violence (1967). Wolfgang's primary aim in writing an article on the definition of criminology was, in my opinion, partly a promotive activity: namely to establish criminology as a separate science:

> It is the position of this paper that the term "criminology" should be used to designate a body of *scientific* knowledge about crime. . . .
>
> We are contending that criminology should be considered as an autonomous, separate discipline of knowledge because it has accumulated its own set of organized data and theoretical conceptualisms that use the scientific method, approach to understanding, and attitude in research (Wolfgang, 1963:155, 56 italics in original).

(We shall turn to the issue of criminology as a science in a later chapter.) In the course of making his argument, Wolfgang addresses the relationship of scientific criminology to criminal justice. His views are quoted at length to convey the flavor, as well as the substance, of his argument:

> We have said nothing thus far about penology. It is standard textbook practice in America to include the subjects of probation, parole, imprisonment, and other treatment or punishment procedures in the latter section of the book. May we legitimately include "corrections" or "penology" under our meaning of criminology? The answer, I believe, should be negative if by "corrections" is meant the social work activities of probation and parole officers, the organization and administrative functions of the police, or the management of penal institutions. The answer should be affirmative, however, if we mean, as previously indicated, the scientific analysis, measurement, and interpretation of patterns, regularities, causal or associational relationships and probabilities of the same subareas of criminology. If control and prediction in experimentation are integral goals of research and, regardless of the substantive area, if analysis proceeds by means of the scientific method, then we may include within the scope of criminology any correctional research that embraces these goals and this method. Matters purely of public administration may have peripheral interest but do not constitute a science of crime. Technical operations in the management of a police force or of a prison do not fall within our framework of reference to criminology. Historical studies that trace the evolution of punishment, if properly conceived and executed, may very well be included in criminology. Various kinds of analyses of the police, judicial, and penal statistics are part of criminology, but the mere tabulation of a prison population certainly is not. Any study of the offender after the crime that seeks to

understand the causal or treatment process and that employs a scientific perspective and method is contained within our meaning of criminology. Group or individual psychotherapeutic analyses, as well as prison community and parole prediction studies should be included. Phenomenological studies of such crimes as homicide, embezzlement, narcotics, etc., and even taxonomic exercises establishing Weberian ideal types for purposes of analysis are legitimate areas of criminology.

...Rather than the question of "pure" versus "applied" criminology, the primary question is whether the process of application of criminological research findings should be labeled criminology. Our reply is negative . . . The juvenile court judge who would make use of the "Social Prediction Scale" devised by the Gluecks and suggested by them as an appropriate guide in sentencing, is not engaging in a scientific pursuit. What the Gluecks have done is criminology; what the judge does with the results of criminology is public administration (Wolfgang, 1963:159,160).

This excerpt brings to a logical conclusion the tendency of academic criminology either to ignore criminal justice or to relegate it to a peripheral concern. Wolfgang leaves some room for criminology to be concerned with criminal justice. He is not clear, though, whether any scientific study of criminal justice agencies are to be incorporated within criminology or only those which shed light on the causes and nature of criminal behavior.

This fairly sharp distinction between criminology and criminal justice was maintained until the past decade but is now breaking down. Ernest Wood has surveyed the content of criminology textbooks published in the period up to 1968 and those published from 1969 through 1978. The earlier texts failed to present a coherent view of criminal justice. As Wood notes of his earlier survey:

My conclusion at the end of my review was that while the roots of the three concerns of criminal justice were in evidence, they were never clearly or consistently expressed in the texts published before 1970. No criminology text up to that time fully achieved what I saw as the criminal justice approach. While the importance of law was recognized by some texts, discussion was limited to a few introductory remarks and no attempts were made to integrate a legal framework throughout the text. Parts of the criminal justice system were mentioned in the texts of a decade ago, but no one looked at criminal justice as a total system. Much of the information was historical or descriptive in approach, with little emphasis on process. A number of the texts did concentrate upon corrections or penology—to such an extent that some authors devoted half their book to this topic. The police, however, received limited discussion and very little was mentioned of the role of the courts in dealing with criminals. In any event, no attempt was made to tie these diverse parts of the system together. The effect of the system upon the individual received limited coverage in the criminology of this period. While some authors were aware of the labeling approach to the study of deviance, it was not given extended consideration as a basic concept of criminology (Wood, 1979:2).

This situation has changed substantially in the new generation of texts. Wood looks at recent revisions of older texts and finds in the authors' introductions an awareness of the growing importance of criminal justice. Donald Cressey reports that "Today, criminology is much more oriented to law and public policy" (Sutherland and Cressey, 1978:v, in Wood, 1979). Walter Reckless notes that criminology is expanding to incorporate "the study of punishment, penal law, police administration, court systems, places of detention, jails, workhouses, prisons, and reformatories, substitutes for incarceration such as probation and parole, as well as the study of juvenile delinquency and its handling" (Reckless, 1973:1, in Wood, 1979). Don Gibbons, on the other hand, while recognizing the growth of criminal justice, observes an institutional division between it and the more traditional conception of criminology (Gibbons, 1977:3-5, in Wood, 1979).

Thus it appears that concern with criminal justice has appeared and is well recognized within field of criminology. Certainly the content of many papers delivered at the American Society of Criminology meetings reflect such concerns. But criminology appears uncertain as to how to conceive of and receive this large new field.

Has this growing concern led criminology away from its original core concern with etiology? To some extent the answer is "yes." There is more overlap between the two fields than before. Wood's survey of texts notes that in the most recent generation of criminology texts "much of the criminal justice perspective has been adopted" (Wood, 1979:10). Yet, "traditional criminological work continues apace" (Binder and Geis, 1979:617). For example, a look at the journals shows that *Criminology* publishes articles that in the main have reference to the core concerns of criminology while the *Journal of Criminal Law and Criminology* is more likely to publish studies of aspects of criminal justice practice that go beyond explanations of criminality. The *Journal of Criminal Justice* on occasion publishes articles devoted to a "purely" criminological issue (e.g. Martin, 1977). The journals thus display some overlap but show a continued division. And to return to the texts, which ultimately translate a field to potential entrants and the general public, criminology texts all stress theories of crime causation, behavior patterns of crime and descriptions of the offender (Wood, 1979).

The focal concerns of criminology are problematic. It is not so much the growing interdisciplinary nature of the field or the diversity of theories (topics which will be explored in later chapters) but the concern with criminal justice agencies *as agencies* that threatens the very idea of criminology as a science which seeks to explain criminal behavior. This threat, it seems to me, animated the essays of Jeffery (1978) and Cressey (1978) which appeared in the issue of *Criminology* devoted to new concerns and new directions. Cressey's prediction in 1967 that "criminological theorists and administrators of criminal justice" would accept an interactionist-labeling concept as a fundamental construct which would be practically applicable in the process of negotiated justice and thus "give criminology an integrated character it has never before experienced" is essentially in the same vein as Wolfgang's (1963) approach and the mainstream concerns of criminology. Criminologists who argue over whether deviance can be better explained by biological or social factors are talking about the same thing from different perspectives. Social scientists who are talking about why corporate leaders become involved in large scale bribery and whether certain patrol patterns are more highly correlated to crime rates are talking about different things. What Cressey did not, perhaps, anticipate was the growth of a field of criminal justice scholarship interested in the functioning of the so-called criminal justice system itself. And the growth of criminal justice scholarship has been marked by a strain of thought that sees the concern with etiology as irrelevant to crime control (Morris and Hawkins, 1970:45-53; Inciardi, 1978:90-115). In light of the growth of criminal justice scholarship, the "nothing works" polemic in corrections (Martinson, Palmer, and Adams, 1976), and the genuine interest in criminal justice topics among many (if not most) criminologists, Cressey's plea that "criminologists should not abandon science to become policy advisors in this repressive war on crime" (1978:188) is understandable.

The field of criminal justice scholarship suffers far greater disciplinary fragmentation, specialization, and ideological divergence than does criminology. Because criminal justice academicians do not uniformly claim to be scientists, even the teaching agenda of various programs differ sharply over basic goals, a problem that does not seem to afflict criminologists. In the "shake out" period

soon to come in criminal justice, some of the diversity which accompanied the field's wild growth in the last dozen years will be leveled. Yet, whatever else may divide the field, its focus is securely fixed on the group of public agencies which are responsible for dealing with criminality. The standard repertoire in criminal justice texts include analyses of policing, prosecution, adjudication, sentencing and adult corrections. Juvenile justice is often included in introductory texts and has a firm place in criminal justice programs. Certain criminal justice programs encompass studies that are outside the usual orientation such as court administration (which includes the civil courts) and private security administration. Thus, a comprehensive definition is that criminal justice is the *practice* and *study* of public and private agencies and groups which seek to prevent, control, punish, and defend juvenile delinquents, criminal suspects, and convicted offenders.

If there is any idea that today serves to unify the hodgepodge of criminal justice concerns, it is the notion of a criminal justice system. This idea of the interrelatedness of the diverse agencies which deal with crime was popularized by the influential President's Commission on Law Enforcement and Administration of Justice, popularly known as the National Crime Commission (President's Commission, 969:7). The systems idea imparted several valuable insights useful not only to criminal justice education, but to practice as well. One is that the different segments of criminal justice, identified as police, courts, and corrections, although separately organized and performing specialized functions, are not independent. What each one does and how it does it has direct effect on the work of the others. The value in this idea is that some coordination between segments, or at least an awareness and understanding of their needs, can improve the effectiveness and performance of agencies. This can occur in two ways. First, certain dysfunctional activities could be curtailed because of their impact on other agencies. Thus, an awareness that harassment arrests of prostitutes or public inebriates flood the courts and jails with persons who will soon be released can lead either to a curtailment of such activity or to devising alternate methods of dealing with such social problems (Deming, 1977). Or, certain non-constitutional factors in court scheduling may impose severe burdens on police officers who must testify. Reasonable modifications in court schedules could lead to far greater police efficiency, if not to greater effectiveness. Second, a general awareness of the system-wide needs of criminal justice can lead to more rational budgeting. The allocation of public funds are critical to the shape and content of any public agency and such allocation should be made rationally. However, the emotion laden subject of crime can and has led to budgetary imbalances, exemplified perhaps by the late J. Edgar Hoover's ability to pry federal dollars out of the national budget for the F.B.I. without the scrutiny given to other segments (Navasky, 1971:34-35).

Another great value of the systems approach is its empirical spirit. "The popular, or even the lawbook, theory of everyday criminal process oversimplifies in some respects and overcomplicates in others what usually happens" (President's Commission, 1967:7).The empirical study of the criminal justice process, both qualitative and quantitative, has expanded greatly since the publication of the National Crime Commission's volumes. That body of work in some ways set the tone for criminal justice education by itself sponsoring a variety of studies by social scientists into the practices of criminal justice. One such endeavor, of critical importance to both mainstream criminology and to criminal justice, was the sponsoring of crime surveys in several cities by the National Opinion Research Center and Bureau of Social Science Research. The findings proved for the first time what many criminologists had believed: that officially

reported crime sharply undercounted the actual amount of illegality (President's Commission, 1967: 220-2). This work led to the establishment of the National Crime Panel which has, for the past decade, conducted national surveys providing a more direct source of information on the incidence of crime, and public opinion concerning criminal justice (see, e.g., United States Department of Justice, 1976).

The limits of the idea of criminal justice as a system has been made and is widely accepted (Freed, 1970). But even the criticism that the segments of criminal justice work at cross purposes and do not fit the basic definition of a system as used in systems science, is an outgrowth of the new empiricism in criminal justice. The point here is that the monumental work of the President's Crime Commission gave new shape to ways of conceiving a field. Prior to that work police studies were seen as an entity. Corrections was to a large extent the private preserve of criminologists. Court administration had hardly been established. An empirically based social science of trial courts was not a reality, despite several important studies, from different perspectives, about court operations and plea negotiation. What emerged from the Commission's work transcended recommendations to create a "national foundation for criminal research" and enhance law enforcement education (President's Commission, 1967:110, 277). It established a framework, perhaps best summarized in the famous flowchart (President's Commission, 1967:8-9), for criminal justice as a unified field of study: crime ⧫ police ⧫ prosecution ⧫ courts ⧫ corrections. The ideas, of course, were not new and drew on the work of the scholars who served on the Commission. It solidified a still fluid conceptualization of the field and gave legitimacy and a basic source of reference. The police-courts-corrections structure has since become the ideal framework for criminal justice texts (compare the outline of Blumberg, 1967 with Blumberg, 1979) and academic departments of criminal justice.

Chapter Four
Criminologists and Justicians and Their Work

A major dividing line between criminology and criminal justice is the work orientation of each field. Most criminologists are university based teachers and researchers. Criminal justice, however, is a field of practice. Persons in academic criminal justice are few in number in relation of practitioners. This fact is so obvious that it is not often mentioned in discussions of the relative place of criminology or criminal justice. Yet, so massive a state of affairs is bound to have a substantial impact on educational programs.

Academic departments in areas of study which have little direct applicability outside the university tend more often to be viewed as basic disciplines and tend more easily toward theoretical work. Lest too much be made of this statement, we acknowledge that there is very little theoretical knowledge today that does not have practical application (Wilkins, 1964). However, the atmosphere of a philosophy department as contrasted to a law school, for example, is quite different. In the former, it is assumed that the knowledge and techniques of learning of philosophy are basic to other areas and that all students should have some experience in it. While philosophers are often very much concerned with current matters, their professional writing is likely to have only limited immediate impact on the world of affairs outside the university. On the other hand, the long range effect of a philosopher's writings may be profound. A person who pursues philosophy seriously is not likely to earn a living outside the university as a philosopher.

In a law school, the professoriate is well aware that most lawyers are practitioners; only a few very bright and dedicated students return to the professional schools to teach. Their primary role in professional law schools is instruction, and until very recently publication of research has not been a high priority. As a professional specialization the knowledge and methods of learning are not deemed to be of basic importance to general undergraduate education. Much legal scholarship is oriented toward problems immediately faced by practitioners and high honors go to legal scholars who can influence next year's court decisions in this year's law review articles. Legal philosophers and others with long range concerns tend to be isolated and outside the mainstream of legal education and practice. The needs of the students in a professional school will in large part determine the content of the curriculum and new courses will often be developed in response to what is happening in the field of practice. In the disciplines, the pace of change in courses is slower and is more determined by the research interests of the faculty.

Admittedly, this sharp division is not true in all disciplines. However, where

an area is perceived as a discipline and as a major field of practice, a division within the academic departments may appear. Psychology offers a good example in that research psychology and clinical psychology are differentiated within the department. The division between psychological research and clinical practice is not total since much research is applicable to practice. In other social sciences, most notably in economics, the division between practice and scholarship appears less pronounced. Apparently, academic and professional economists apply similar tools of analysis to the problems they deal with.

The fact that most criminologists teach in sociology or criminology departments either to undergraduates taking an elective or to a few students who aspire to teaching and research positions, must have the effect of making academic and research concerns loom large. This should be so even if the criminologist conducts research on or in a criminal justice agency. Criminal justice professors, or criminologists who teach in criminal justice programs (or in criminology programs with significant number of criminal justice courses) on the other hand tend to be immersed in an atmosphere where the concerns of the field of criminal justice practice become integrated with academic concerns. In professionally oriented fields, such as social work, public administration, business administration, urban planning, law, or criminal justice, the academician takes more than a casual interest in the work and professional problems faced by practitioners. The professionally oriented programs are likely to have larger student bodies than the disciplines and are likely to place less emphasis on the production of research degrees. However, the faculty of professional schools may be heavily engaged in research. The research efforts of a faculty may be more a function of the overall quality of their particular university than their discipline or field. While the "atmosphere" of a department or discipline has no logical bearing on the quality of instruction or research it does tend to color the attitudes of department members. Unfortunately, in the experience of this author, these differences on occasion produce peculiarly academic forms of isolation or even xenophobia. (In a larger vein, note the long standing polemic concerning attitudes toward "intellectuals" in Western society, Steinfels, 1979:188-197). All this is to say that the "atmospheric" differences between persons who identify themselves as criminologists or "justicians" is a result of basic orientations (understanding crime vs. understanding criminal justice agencies; academic vs. professional).

Now we shall turn to the academic world of criminology, and then criminal justice in an attempt to fathom the nature of each area. In this chapter I shall try to identify the various disciplines, sciences and fields of study which comprise criminology and criminal justice. In the next, I shall take on the more controversy laden and teleological task of determining whether these fields ought to be conceived as disciplines and sciences.

Willem Nagel, the Dutch criminologist, has provided some insight into the work of criminologists that would strike contemporary criminological scientists in America as strange (Nagel, 1968). Nagel's position is that the science of criminology involves the study of human behavior, and moreover that there is a realm of applied criminology in the field of corrections, probation and rehabilitation (Nagel, 1968:12). This much is standard. But when Nagel turns to the question of who the criminogist is, his answer reflects the situation in Europe, not in America. "[C]riminology transects the disciplines of law, sociology, psychology, and psychiatry" (Nagel, 1968:25). Nagel's assessment of this division is intrinsically interesting. For example, he points out that the professional backgrounds of law and psychiatry "take root most deeply" and "gives the most

one-sided attitude with respect to the conflict between society and delinquent" while being "least susceptible to adaptation as a secondary, postgraduate, extramural training." As a result, Nagel sees the more generally academic fields of psychology and sociology as suitable training for criminologists. Eventually, he would like to see criminologists *qua* criminologists replace persons based in other disciplines. What is strange to American readers is the inclusion of law and medicine as serious components of criminology. As Wolfgang notes, this is primarily a European phenomenon, where criminology is taught in law schools and medical colleges (Wolfgang, 1963:159). Very few psychiatrists (e.g. Karl Menninger) are considered criminologists and generally speaking their contributions have not been well received by mainstream American criminology.

American criminology, then, has until the recent past been dominated by sociologists. Moreover, the sociological perspective of seeking explanations of behavior in the social structure has been so strong as to produce a dangerous narrow-mindedness that threatened the scientific credibility of etiological criminology. Travis Hirschi notes that the attack on certain overstated positions (e.g., the attack on purely psychoanalytic theories of causation by sociologists) tends to lead to "procedural rules" which harden into fundamental assumptions which themselves blind researchers to valuable explanatory variables:

> So complete has been the destruction of psychoanalytic theory in the eyes of most sociologists that one wonders how anyone could ever possibly have taken it seriously. And how was this task of destruction accomplished? I have had a hard time finding an answer to this question. In the end, it appears, psychoanalytic theory ran too afoul of "what sociologists know" (Hirshi, 1975:163).

The main line of thought in sociological criminology does not appear to have followed Hirschi's line of thinking. Thus, the second edition of Vold's *Theoretical Criminology*, a standard reference work for serious criminologists, states that "the usefulness of psychiatric explanations of criminal behavior is limited" (Vold, 1979:156).

However, this socio-centric model may be changing in several ways. The idea that social scientists are all engaged in the same enterprise of explaining human behavior, was graphically displayed by C. Ray Jeffery's model of "biosocial criminology." In a diagram which I take to be heuristic rather than a precise representation of the interconnection of human knowledge about people in society, Jeffery rests criminology on the interdisciplines of biochemistry, psychobiology, and sociobiology, which in turn rest on chemistry, biology, psychology, and sociology (Jeffery, 1978:161). Let us admit that there is an element of faddishness to sociobiology even if it is propounded by Harvard professors who publish very impressive books. How many proponents of sociobiology have actually read Wilson (1975) or have the capabilities to conduct competent research in the biological sciences? Still, after years of relegating biological and even psychiatric studies of crime causation to the mists of the field's early history (Mannheim, 1965) and rightly treating simplistic ideas of crime as a result of blood sugar imbalances as quackery, a serious attempt to examine the biochemical aspects of deviant behavior has reappeared (Hippchen, 1978).

This leap into a social science/natural science interdiscipline is startling in light of the fact that there is not a truly interdisciplinary social science of criminology. As has been noted the mainstream of criminology remains in sociology. The past decade has seen some incursions into crime related studies by social scientists such as geographers (Pyle, 1974) and economists (Becker and

Landes, 1974). The impact of the former group, it seems to me, is highly compatible with sociological criminology. The geographers are naturally drawn to social structural and ecological approaches, once the preserve of sociologists. With more rigorous and quantitative techniques they appear better able to test sociological hypotheses—and map the results—than some sociologists. Also, their work may have applied consequences in the area of crime prevention by targeted patrol measures (Buck, 1973). The impact and role of economists is more problematic. Economists writing on crime in the 1970's appear to have set up a straw man. They take the most extreme psychiatric hypothesis of crime causation (criminals are "sick" and must be cured rather than punished) and then proceed to demolish this model with the logic flowing from a rationalistic model of man. Economists seem drawn to policy oriented issues such as deterrence (Palmer, 1977) and are interested not in "fundamental" causes of crime (etiological theory) but in assessing crime-related factors (prediction) that may be useful in crime intervention activities.

Another development of interest in this regard is the spillover of social history, itself a new subspecialty, into historical work on crime (Tobias, 1972). As recently as 1965, for example, Mannheim could find no twentieth century works on the history of crime in England. "Historical studies exclusively devoted to the history of crime are few and far between. For England, Luke Owen Pike has done excellent pioneer work in his *History of Crime in England* [1873-6], and so has Henry Mayhew in his *London Labour and the London Poor* [1861ff.], but their techniques are probably not quite up to the requirements of modern historical scholarship" (Mannheim, 1965:422). What is quite instructive about Tobias's fine work is the way in which the usual modes of historical research have been infiltrated with social science kinds of concerns. Thus, while all historians must, as professionals, devote the utmost care to the veracity of sources in interpreting unique or single events, the social historian must pay attention to the extent to which published and written accounts square with statistical sources of mass behavior. Thus, Tobias addresses the problem and virtually disregards contemporary statistics. Another prime concern of social scientists which infects the social historian is the need to explain. Traditional historians, of course, are not mere chroniclers of events. However, Tobias inquires into topics that are directly relevant to the concerns of sociological criminologists: social structure, subcultures, social change, poverty, population growth. This focus, then, makes such a history of crime an important facet of criminological knowledge.

Despite these outreaches by criminologists to other disciplines or incursions by others into the preserve of sociological criminology, a cursory examination of the journals fails to reflect a strong trend away from the sociological orientation. This is not surprising nor is it a situation especially to be lamented. Although integration in the study of human behavior is an important goal, its achievement is excruciatingly difficult. As Wolfgang and Ferracuti note in the opening chapter of *The Subculture of Violence* on the meaning of integration, most attempts at interdisciplinary research remain eclectic. Rarely does that "analytical synthesis" occur which results in truly integrated research (Wolfgang and Ferracuti, 1967). Any scholar who has attempted to seriously work in fields outside his prime discipline knows how difficult it is to absorb enough new knowledge and techniques to do meaningful research, even in collaboration. If we recognize the benefits that accrue from specialization—the focusing of the mind on a phenomenon with an interplay of established and shared concepts, modes of thought, and research approaches—then we must hesitate to destroy this for the vague hopes of an integrated social science. The disciplines have been far from static

and new modes of analysis have served to enhance the explanatory power and utility of much intradisciplinary social science research.

Another way in which criminology is changing is by focusing more on normative issues. Wollan suggests—in a thoughtful article that challenges the notion that criminology's "next chapter" will be "yet another theory, as if [it] marches onward in chapters,"—that "[t]omorrow's criminology will very likely be more open than in the past to inquiry into certain matters, mainly of values, which have traditionally been deemed to be outside the domain of scientists, natural and social alike, and instead within the realms exclusively of theologians and philosophers" (Wollan, 1979:546). His reasons, to briefly summarize, include the decline of structural functionalism as a major paradigm in sociology (*pace* Gouldner), the issues raised by the so-called critical criminologists, the "demise of 'value-free' social science, the movement toward humanism in social science, the weakening of positivism, and its outreach toward the humanities" (Wollan, 1979:553). Yet, when Wollan focuses on the internal dynamics of criminology, a curious thing occurs:

> Criminologists are carried into the clutches of a good many moral and ethical questions by the nature and implications of things they study, such as environmental design, community crime prevention, preventive patrol, selective enforcement, pretrial detention, fixed sentences, behavior modification, psychosurgery, postsentence detention, intensive patrol supervision, decriminalization, community control, professionalism, departmental policy-making, and information exchanged, to mention some (Wollan, 1979:547).

Criminology? If Wollan is correct in saying that persons who hold themselves out as criminologists are engaged in these activities, then applying Wolfgang's (1963) criterion, they are not doing criminology. In any event, established criminologists may not look on this new chapter with equanimity. In a fascinating study Geis and Meier surveyed the opinions of sixteen of the forty-four most cited living criminologists. When asked about the "healthiest developments" in criminology, the veterans' responses favored trends which enhanced the field as a science. The two emphases which stood out were first "the growing sophistication of technical skills." "'An increasing scientificity—quantitative, empirical, multiple regression capabilities,' one respondent noted . . . The second focus was on what the respondents perceived as a better marriage between criminological work and behavioral science theory" (Geis and Meier, 1978:277). And primary among the "least healthy" developments was the growth of critical criminology which was perceived as substituting ideology for theory, no matter how cloaked as a new paradigm or theory. It seems to me that these writings tend to confirm the concept of criminology as being primarily concerned with the study of deviant human behavior of a certain type, a concept trenchantly marked out by Wolfgang two decades ago. This focus is broad enough to encompass virtually any scientific discipline and any mode of scientific analysis and still remain true to that notion of criminology. However, to reiterate the point, a concern with "an independent entity called 'criminal justice' [which] is gaining numerous disciplinary adherents" can force a major shift from a positivist stance to a policy-normative posture.

In the previous chapter the "criminal justice system" concept, with its emphasis on the interrelatedness of all aspects of the process, was put forward as a paradigm that has given coherence to a new field. Prior to 1965 criminologists, if they were concerned at all with the crime control system, lavished attention on "corrections" (itself a euphemism for jails, prisons, probation, parole, and the like, reflecting the positivistic notion of rehabilitation) and police studies were

relegated to a few specialized programs. In 1967, with the publication of *The Challenge of Crime in a Free Society*, the appropriate way of imagining the field has been to focus on police, courts, and corrections as three equal components. Before turning to criminal justice academics it may be wise to briefly examine the practical field.

Prior to 1969 there was no accounting of personnel in the public criminal justice system. To remedy that situation the National Institute of Law Enforcement and Criminal Justice and the Census Bureau undertook such a head count (*Expenditure*, 1972). Approximately 850,000 employees were identified, broken down by police (548,000), judicial (105,000), prosecution (43,000), indigent defense (4,000), correction (152,000), and other (precisely 622). It would appear that most personnel in the "judicial" category are not judges but support personnel and the same is probably true for prosecuting attorneys under the "prosecution" heading. The small number of defense attorneys probably refers to public defenders rather than to all attorneys who do some criminal defense work. The "other" category included the then newly minted role of criminal justice planner. By the 1975 criminal justice census (*Expenditure*, 1977) the total had grown to over one million personnel. Overall, almost 60 per cent were in police work and 21 per cent in corrections. This balance changes when the level of governmental hiring unit is examined. Of all criminal justice personnel hired by state governments, for example, over 48 per cent were in corrections while over 86 per cent of municipally hired personnel were in police service. The magnitude of these figures leads one to say that any governmental enterprise so large deserves to be studied. When we note the obvious, that over a million persons are engaged in sensitive tasks that involve social control, the use of force, the deprivation and, paradoxically, the enhancement of liberty, we may wonder why study of the justice system has been so long delayed.

The large number of criminal justice personnel is by no means homogenous in background, functions, roles and professional orientations. There are patrol officers and medical pathologists, appointed police chiefs and elected sheriffs, part-time prosecuting attorneys and full time public defenders, prosecutor's offices which run diversion (informal probation) programs and parole officers who carry guns, Ph.D. psychologist wardens and prison guards who are farmers, and more contradictions that destroy many of the stereotypes of criminal justice. Merely to describe the field with any accuracy would take more pages than is possible here. The problem for the field of criminal justice scholarship, however, is not quantitive but conceptual. How is the practical world of criminal justice, which is the subject matter of academic criminal justice, to be conceived?

This question is critical and will have to be answered if criminal justice, as an academic specialty is to gain any coherence. For over a decade the field has been carried along on the "systems" notion popularized by the President's Crime Commission and on sheer exuberant growth. In the current period of stability, if not retrenchment, some assessment of the field is necessary. If we look to criminology as a guide we may note that a field may be multidisciplinary and riven with theoretical controversy and still have enough coherence to be conceived of as one intellectual enterprise. To see whether the same is true of criminal justice, let us examine the professors of criminal justice and the ideas about the field.

In 1977 Gordon Misner conducted a survey of full and part time instructors in criminal justice departments throughout the country (Misner, 1978). A breakdown of the distribution of the doctoral degrees attained by 224 respondents was as follows:

Field	Number	Percent
Social Science	80	35.71
Criminal Justice	44	19.64
Law	40	17.86
Education	26	11.61
Other	17	7.59
Public Administration	10	4.46
Science & Engineering	4	1.79
Humanities	3	1.34
TOTAL	224	100.00

In this list, criminal justice includes degrees in criminology "because of the inter-changeability of that term at many institutions." Also any law degree was included in the law category and any persons with a doctorate and law degree were counted under the doctorate. The social science group included political science (24), sociology (38), psychology (16), and economics (2). Thus, we can readily see that criminal justice educators have their disciplinary roots in various fields, predominantly in the social sciences, with substantial representation by sociologists, lawyers, and criminologists/ justicians. The large number of persons with criminal justice/criminology doctorates is a reminder that the field is well enough established to produce educators to staff departments. The diversity of faculty backgrounds, though, indicates the multidisciplinary nature of criminal justice. That approximately one-sixth of the criminal justice faculty represented were lawyers certainly indicates a differing orientation than criminology, even though the latter field is concerned with the nature of the legal definition of crime. Within the social science group, the scattering of disciplines supports the eclectic nature of criminal justice education as a field. If we assume that a criminal justice student is to be taught by sociologists, psychologists, political scientists, criminologists, lawyers, and others, we would be hard pressed to see any disciplinary coherence. Perhaps criminal justice scholarship is only the study of agencies of social control from whatever perspective the particular scholar chooses to apply.

Is the field nothing more than a hodgepodge of disciplines which focus on a similar problem? My impression of the personnel in academic criminal justice, of the kind of research that is conducted and of the strains that occur because of the different perspectives of various academicians is that this is largely true. Most professors and researchers of criminal justice base their work in the theory of their respective disciplines. A good portion of the research articles appearing in criminal justice and criminology journals are written by scholars with no institutional tie to these crime oriented fields. Articles assessing aspects of criminal justice appear in disciplinary journals.

On the other hand, there are some commonalities which create a criminal justice point of view, although these may appear more in the teaching agendas of criminal justice departments than in the research conducted. These commonalities have not yet produced an integrated understanding of the mechanisms of crime control; indeed they emphasize its diversity. Perhaps the very fragmentation of the area under study prevents greater coherence. If so, the existing

concept of criminal justice studies may be an ideational plateau, so to speak. Until the system of criminal justice itself changes, only sterile scholarship may result from continued analysis of the "system" as a system.

One common theme that runs through criminal justice education is an emphasis on law. Law courses, usually substantive criminal law and criminal procedure, are typically required of undergraduates. Electives in constitutional law, evidence, corrections law, administrative law, and more rarified topics are not unusual. Problem-oriented courses (e.g., law for investigators) may be constructed to meet a need not formerly felt in legal studies. Given the diversity of the levels of criminal justice teaching, it is to be expected that the quality of instruction will vary from the rote learning of local codes, to the Langdellian case method, to what may be a more appropriate "sociology of law" approach. In any event, the prominence given to recent Supreme Court cases in leading criminal justice texts for introductory courses clearly underlines the importance with which knowledge of legal content, as distinguished from knowledge of legal institutions, is held (Newman, 1978; Robin, 1980).

In justice research and scholarship, the preoccupation with law appears in another way. Much of this work is an attempt to delimit the extent to which legal rules have effect. The basic idea stems from the 'realist' school of jurisprudence current in the 1920's and 1930's. Rules of law, as official pronouncements of the sovereign, are often written in terms of command and appear to carry the implication of full compliance. This sort of Austinian concept of law is not in concordance with an empirical view of social reality. Thus, an agenda of the social science wing of jurisprudence, adopted by many justice researchers, is to poke holes in "myths" such as the idea of full enforcement to show how the law "really" works. Thus, Jerome Skolnick shows that the occupational culture and pressures on police have a greater impact on their staying within the boundaries of Fourth Amendment law than the rule of law generally or court pronouncements specifically (Skolnick, 1966). Donald Newman's work on plea negotiation (1956; 1966) likewise went far to explicate the process of and reasons for the paucity of constitutionally guaranteed trials as the major mode of adjudication. This perspective, a reflection of the inherent skepticism of sociology and anthropology, which probe below the manifest to seek out the latent meanings of social phenomena, appears in the attempts to build "models" of criminal justice. The most famous model is Herbert Packer's (1968) which concentrates basic and conflicting concerns of criminal justice into the Due Process Model and the Crime Control Model. The former is normative, the latter empirical. One emphasizes procedural regularity, the other the attainment of goals. Efficiency is downplayed in the former and exalted in the latter. One way of looking at Packer's model is as a generalization of reality. Another way is that it is part of the tendency of the sociology of law to de-emphasize the command aspect of law and replace it with a more empirical concept.

Another basic aspect of criminal justice is the concern with administration. At the master's level of graduate education in criminal justice programs there is a large preoccupation with imparting many of the professional skills of public administration. Police, corrections, and to a growing extent court systems, are large public bureaucracies which need highly skilled persons with such administrative specialties as personnel management, budgeting, program analysis, systems science, administrative law, and operational skills relating to the unique tasks at hand (Conrad and Myren, 1979:15). Many of these concerns filter down to the undergraduate texts which display some concern with the structure, staffing,

problems, functions, and roles of the criminal justice agencies and personnel. We have seen how criminologists have traditionally created a sharp division between the science of criminology and public administration (Wolfgang, 1963). Such division is muted or non-existent in criminal justice departments. Even where the focus is not on "narrow" administrative issues, there is a concern with the organizational milieu:

> New and important knowledge has recently been produced. In the 1950's, the first important sociological work on the police appeared. Previously, police were of interest only to administrative innovators, such as Fuld (1909), Fosdick (1920), Vollmer (1936), and O.W. Wilson (1950). After 1964, a new set of insightful reports was published.
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> Sociological analysis of the police is indebted to Westley's early work (1951, 1953, 1956) and Banton's comparative acuity (1964). These works articulated the key issues of occupational socialization, organizational structure and control, the police role, police-citizen encounters, interaction patterns and consequences, forms and types of corruption, the occupational subculture, and the interaction of law, custom, and morality. This sociological agenda was fleshed out in the late 1960's (Manning, 1979:699, 701).

Thus, a sociologist concludes that the more general sociological research has made the field of police research "more respectable," not only to the academic community but to police administrators as well. Whether general or narrow, Manning's assessment of the research conducted in criminal justice indicates that in some way it touches on the administrative milieu of the problem at hand.

Another aspect of criminal justice research that filters down to the undergraduate teaching agenda is a political coloration. In a politicized age, "the politics of . . ." everything from administration to zoology has become a commonplace. However, the appreciation of politics in criminal justice is not forced. The large enterprise of criminal justice research and education which has grown up in the last 15 years has been attributed in large part to Senator Goldwater making crime a key issue in the 1964 presidential campaign. The President's Crime Commission and the creation of the Law Enforcement Assistance Administration have injected a large element of concern about politics into the very process of criminal justice research and education and in many programs and innovations in criminal justice agencies (White and Krislov, 1977; Twentieth Century Fund, 1976). Perhaps the dependence of criminal justice academicians on federal largess (a wag has referred to the A.C.J.S. as the L.E.E.P. lobby) sensitizes criminal justice scholars to the vital importance of politics to the shape, size and agenda—indeed the very existence—of criminal justice agencies. In criminology, the growing awareness of the pivotal position of politics has to some extent supported the growth of critical criminology. In criminal justice, this awareness has resulted in important contributions by political scientists (Cole, 1976). James Q. Wilson's collection of essays (1975), one of the most controversial and important works in recent criminal justice literature, brings to bear the special insights of the political scientist. Thus, the work of criminologists in explaining deviance is placed by Wilson in a policy perspective. Even if we know that peer relationships or broken families "cause" crime, what can the government do about it? His realism in assessing the limits of a democratic government to interfere with basic social relationships stands in stark contrast with Wolfgang and

Ferracuti's (1967) drastic prescriptions. Eisenstein and Jacob's (1977) analysis of the process of trial courts blends in the local political concerns of courtroom actors with administrative and occupational concerns to produce a highly satisfactory account. Not all political scientists writing on criminal justice produce research which is uniquely "political" (see review by Zalman, 1980) although the policy/political point of view has captivated the legal/criminologist team of Morris and Hawkins in their provocative treatises: *The Honest Politician's Guide to Crime Control* (1970) and *Letter to the President on Crime Control* (1977).

Politics is indeed pervasive. Legislatures formulate substantive criminal law, the blueprint of law enforcement, in the political process (Roby, 1976). Criminal legislation implements one of the fundamental functions of government, to "insure domestic tranquility" in the words of the Constitution. Criminal justice agencies at all levels must seek funding from the appropriate legislative organ, be it Congress, the state legislature, the county commission or the city council. This request for a portion of the fiscal pie involves agencies in the political process of prioritizing the real and symbolic needs of society and allocating scarce resources. Politics intrudes in other ways. Criminal justice issues often are raised by candidates for public office (Harris, 1970). Finally, one of the larger questions in contemporary criminal justice is the extent to which key decisions and allocations are to be made by professionals or by the community, either by direct democracy in small cities or by elected public officials.

Another attribute of criminal justice is its problem orientation. The field as an academic specialization arose because crime was perceived as a critical social problem. Manning (1979) reflects this view by distinguishing between police studies which merely focused on the normal administration of police departments in all their aspects, and the new focus which keys in on prominent issues generated either by scientific concerns or by public perception. The research agenda of criminal justice clearly focuses upon areas perceived as problematic. This orientation, it seems to me, will create prolonged strains in criminal justice education. Justice educators for the past decade have been concerned with whether the field's teaching orientation is vocational, professional, or "behavioral/humanistic" (Conrad and Myren, 1979:24). Since no self-respecting dean or chairperson, even in the community colleges, would admit to having a vocational program, the debate has continued along the lines of a professional versus a "behavioral/humanistic" teaching agenda. The strains that I foresee arise from the professional demands, even requirements, of criminal justice education conflicting with the research priorities of the field. To some extent, as Conrad noted, the educational needs of criminal justice professionals must focus on skills (e.g., counseling, public administration), knowledge of what currently exists, and preparation for what may be called "systems maintenance." This is true in any professional education such as medicine, engineering, accounting, etc. Such educatien is not merely the learning of static techniques and an established body of knowledge. Professional skills are incredibly dynamic. The finance officers of large corporations use their basic intellectual tools in remarkably creative ways, often a step ahead of the FASB. I have heard social scientists refer to lawyers as plumbers. Without doubt, much professional work is routine, but the legal work required in structuring a real estate development, or demolishing a criminal conviction can be as intellectually straining as the most complex

research project. And there is a fair amount of drudgery in the sciences. While this may be true, it is also true that educators in professional areas must focus on the basics, which may not coincide with their particular research interests. Thus, it is traditionally the case that faculties in the sciences and the basic disciplines tend to be more research-oriented than professional faculties. This strain is reflected in John Conrad's incisive analysis of the program of the School of Criminal Justice at the State University of New York at Albany as being primarily a school of criminology with advanced training available for rising officials in criminal justice (Conrad and Myren, 1979:16). This state of affairs conflicts with the needs of professional students.

Legal education provides an instructive analogy. Until the 1920's most law schools had strong practical orientations and had to compete with office trained lawyers. Even Cardozo decided not to complete his legal studies at Columbia! With the advent of the monopoly of law schools as the only accrediting agencies (some claim this was an upper-class and nativist reaction against immigrants' children entering the learned professions) the focus of law faculties turned more and more to the appellate courts as the source of legal knowledge. By the late 1960's the concerns of practitioners grew to such an extent that with a massive Ford Foundation Grant most American law schools instituted mandatory clinical programs. By that time, the prestige and quality of legal education had grown to such an extent that the schools could make such a move without loss of status. A very real issue now facing criminal justice schools which aspire to provide a good quality *professional* education for professionally oriented students is whether this can be accomplished while (a) maintaining their status, (b) not compromising educational standards, and (c) accommodating the problem-oriented focus of research faculty.

Another aspect of criminal justice which runs through enough of the concerns of academicians from different disciplines or with different agency concerns, is a complex of unique issues that simply are not the concern of other fields of study. The use of force, discretion, and the role of retributive justice are examples. Let us examine the issue of force and violence as a special concern of criminal justice. The classic definition of the state in modern times is that it is a group with a monopoly of legitimate force within a given territory. It is the criminal justice system which exercises that force in the name of the state. Although authorized by law, the use of force by police and others remains problematic in a democratic society and is always subject to having its legitimacy tested. In the 1960's the issue of the excessive use of force by police was a motivating factor behind many of the liberal rulings of the Warren Court. The problem of violence generally became a volatile political issue and led to a monumental government research commission (National Commission on the Causes and Prevention of Violence, 1970). The Violence Commission, while examining such topics of popular concern as public demonstrations and riots (Skolnick, 1969) and longer range issues such as the history of violence (Graham and Gurr, 1968), gave special attention to police violence (Walker, 1968) and criminal justice generally (Campbell, Sahid, and Stang, 1970). Following the Attica prison rebellion and massacre in New York in 1971, public attention shifted to the problems of violence in prisons (New York State Special Commission, 1972). Even without the assistance of spectacularly bloody events, the potential or actual use of force colors the entire practice and

study of criminal justice. The concern with police-community relations (Radelet, 1979) loses its urgency without the spectre of violence. Similarly, controlling the use of force is a major rationale underlying administrative and legal approaches toward police discipline (International Association of Chiefs of Police, 1976; American Bar Association, 1973). The use of force in punishment, involving topics such as imprisonment and the death penalty, raises a host of practical and symbolic issues. The topics can be multiplied without adding to this point. One further observation is in order. It is possible to develop a uniquely "CJ" approach to the study of critical problems. In the violence area the work of Hans Toch is exemplary. Using the analytic tools of the psychologist, Toch studies violence in the context of police and corrections officers' occupational roles, police-community relations, and prisoners' culture to develop a unique approach which enhances understanding of a problem while suggesting sound policy innovations (Toch, 1977). That one problem, such as force/violence, can legitimately be studied via the disciplines of law, administration, psychology or sociology, emphasizes the eclectic nature of criminal justice studies. The problem of violence, of course, is studied by criminologists and they have prescribed "remedies" by techniques as diverse as counseling and restructing social systems. What is special about the criminal justice approach is that force is not only viewed as a problem but as a necessary tool utilized by professionals. The criminal justice view is less utopian than the criminological, for the total eradication of violence and the elimination of force in human affairs is not perceived as realistic. But the pragmatic, meliorist approach of criminal justice leads to research on reducing prison violence by training guards in psychology as well as manual combat techniques, hostage negotiation, and the development of less lethal weapons.

Running through each of these "commonalities" is a concern with existing policy and with possible innovations that would improve the functions of criminal justice agencies. Again, given the professional orientation of criminal justice education, it is "natural" that researchers and teachers be concerned with existing policy of the operational agencies. A critical function of a university department in a professional or quasi-professional field is to think ahead for the profession's own good. This is a painful function for it involves criticism of the status quo. But it must be done and is done in American professional schools. Legal education and research provides an example. The majority of law journal articles published are prescriptive and regularly criticize legal doctrines, statutory schemes, administrative states of affairs, and the like. Inevitably, authors suggest doctrinal twists, or drafts of new laws, or modifications in rules or in admimistrative practice, to ameliorate existing socio-legal problems. Even jurisprudence, especially in recent years (Dworkin, 1977), tends to be as concerned with practical implications as with pure analysis.

An illustrative example in criminology and criminal justice is the issue of punishment and sentencing. Criminology has long been concerned with punishment and even the labels given to underlying schools of thought—the "classical" school and the "positivist" school—derive from underlying notions of what could and should be done to convicted criminals. Positivistic criminology was dominant into the 1960's and led to many applications in prisons and other correctional settings. These applications were grounded in attempts to modify the subjects of penal treatment. Criminologists, however, were also concerned with justice—a prime concern of the "classical" school—and conducted studies into the problem of sentence disparity (Green, 1961). In the 1960's and 1970's

powerful criticisms of the positivist program arose, based on doubts as to effectiveness, concern about positivistic excesses, and a growing unease over the inequities spawned by devices such as the indeterminate sentence (Zalman, 1977:86-84). The criminal justice approach has been to welcome program analysis and evaluative research. The concern with law and justice—the "classical" school if you will—is blended with the use of scientific methods to test the effectiveness of what the government is doing in the name of public safety. If the effectiveness of clearly harmful actions cannot be determined, the tendency is to call for an end to them. An example is the demise of the Patuxent Institution and its pure indeterminate sentences based on the finding of "defective delinquency." The skepticism of this new approach is not so radical as to call for the destruction of basic organs of social control (Morris, 1974). It does, however, enter directly into the policy forum. Thus, Andrew von Hirsch's neo-Kantian absolutism (von Hirsch, 1976) became tempered when he plunged into the world of policy and considered the possibility of the real impact of his ideas (von Hirsch and Hanrahan, 1979). The parole and sentencing guidelines movement, a product of criminal justice professors (significantly, much of the basic thinking concerning guidelines was developed by the engineer trained social/systems scientist, Leslie Wilkins), calculatingly assessed what could not be done (rehabilitate persons) and instead sought to enhance justice as equity (Wilkins, et al. 1978).

To sum up, the focal concerns of criminologists and justicians are still separate, and this guides the work of criminologists and justicians, although criminology as a field is becoming somewhat more concerned with normative and policy issues. The tone of criminology education is more discipline-oriented, although it is becoming less dominated by sociology. Criminal justice teaching is more oriented to a field of practice which is large and diverse; it has some of the characteristics of professional education. Criminal justice is inherently multidisciplinary and no established school of thought has emerged. However, certain common themes run through criminal justice teaching, research, and scholarship and these include concerns for law, administration, politics, a problem-orientation, a focus on system-specific issues (e.g., discretion, use of force), and a strong policy orientation based heavily on systems and program analysis but also incorporating legal reforms. While not all these concerns run through all criminal justice programs or are critical with all teachers or researchers in the field, they seem to be prominent enough to be characteristic. It seems to me that many of these concerns come together in the seminal casebook by Remington, et al. (1969) and are reflected in Newman's (1979) assessment of criminal justice. Whether such a compendium of approaches is vital enough to provide a viable structure for the academic area of criminal justice remains to be seen.

Chapter Five

Criminology and Criminal Justice: Fields, Disciplines, Sciences, Professions

Those who are little concerned with how their work is characterized will look askance at discussions about the nature of criminology and criminal justice. There is some danger that this kind of discussion can degenerate into the basest sort of self-promotion and name calling. On the other hand, how people characterize themselves and their work has behavioral consequences. Professional self-definition contributes to such consequences as codes of conduct, standards of work, educational and training requirements and the like. Attaching honorific labels such as discipline, science, or profession to a large field of endeavor cannot be done with Linnaean precision. So, while sociology and psychology may be considered disciplines, one cannot say for sure why social psychology has not attained disciplinary status. The lack of precision does not mean that designations can be made arbitrarily and without reference to some objective criteria.

The burden of this chapter is that neither criminology nor criminal justice, as institutional entities, are disciplines or sciences. Also, there is no single profession of criminal justician, although in the fields of criminal justice practice there are professional roles. The assumption and reference point which underlies this conclusion is a goal orientation. Rather than simply looking to established criteria of disciplines, sciences, or professions and attempting to measure the crime-oriented endeavors by these yardsticks, we also ask, "what are the consequences of placing a label on a field?"

Before entering into the substantive discussion it is important to note that my remarks are directed to how a large field of endeavor is characterized. It often follows that how a field is characterized is a good occupational designation for the individuals working in it. Thus, if microbiology is a science, microbiologists must be scientists. However, this is not always so. Incorrect designations of fields, made for promotive ends, can lead to misclassifications. Also, and more to the point here, a field can legitimately be characterized in one way, and its workers in another. To use a previous example, the field of medicine is properly designated as a healing art allied to the sciences. Yet, in the medical schools many of the professors are natural scientists. Their conduct of scientific research does not cause the nature of the field to change. Likewise in criminology, and perhaps in the social sciences generally, I believe that the practitioners are scientists while the field is not a science. In medicine, a distinction is made between researchers and practitioners. Such a distinction is not apt in crimnology because to date very little criminological knowledge has been applied. In any event, the teleological approach taken in this chapter is not intended to disparage in any way the

truth that most criminologists and a good many criminal justice academicians are social scientists whose work meets the accepted canons of social science.

The designation of a field as a discipline or as a science is in part teleological, or in systems terms, is goal seeking behavior (Schützenberger, 1954). If the goal of criminology is to foster a science, then self-designation may, in the way of self-fulfilling prophecies, bring about the goal. But the crux of my teleological approach is that the designation of a field as a science or a discipline is a strategy designed to concentrate mental resources on solving certain problems. The root of the word discipline is "to learn" and the other common usage of "discipline" implies self-control, a narrowing of horizons. It is currently fashionable to define a science by looking at what scientists do. This approach is far more accurate than either the older inductive or deductive models of scientific research. But this newer focus on science as that activity which aims toward explaining natural and social phenomena in rigorous, comprehensive and replicatable or testable ways (i.e., theory construction and testing) overlooks science as an institutional body of individuals and ideas. Looking at disciplines and sciences in this way, it seems to me that a strategy of self-designation is dysfunctional before a field of scholarly endeavor has reached a certain point of strength and richness. Self-designation is accompanied by a tendency toward boundary creation. A discipline or science (as an institutional entity) has no need to go outside of itself for the conduct of its primary work. If a discipline is rich enough, then this strategy of narrowing horizons is valuable. It allows its scholars and scientists to concentrate their minds and efforts on productive and enriching work. The vitality of a discipline cannot always be gauged in the short run. But its ability to produce new ideas, insights, and paradigms which stimulate further original work is a test of vitality. Vital disciplines have little need to seek external sources of ideas. Mining rich veins of disciplinary ideas, theories, and materials avoids the dangers of dilettantism and vacuousness. On the other hand a field of scholarship which is relatively new and has not yet developed a rich associational matrix of ideas, theories, and findings may be in danger of cutting itself off from valuable sources by too quickly entering the intellectual cloister of a discipline. The same may be true of newly formed interdisciplines which have not yet attained enough "weight" to be a viable discipline which can produce original work without constant reference back to the work being produced in the parent disciplines. The history of learning is filled with tales of schools of thought, such as medieval scholastic philosophy, which exhausted their sources of ideas and lapsed into pedantry (Ross, 1976:25). It seems to me that criminology and criminal justice are young and vital fields of learning. They are also multidisciplinary and rather "thin" in their bodies of knowledge. While characteristic ways of thinking are only beginning to emerge, it does not appear that techniques of analysis are well defined as unique to or highly characteristic of either field. Given my characterization of these fields, it is wise to refrain from the designations of discipline or science.

There are potentially six specific issues that can be addressed in this chapter. Is criminology a discipline? A science? Or, a profession? Is criminal justice a discipline? A science? Or, a profession? The issue of whether criminology and academic criminal justice are professions is trivial. It seems to me well established both in the popular and in a more rigorous sense that college teachers and researchers meet the criteria of professionals. Care must be taken in discussions of criminal justice to distinguish the professorial branch and the practical branch. Otherwise, flawed ideas may occur, as in the astonishing statement: "No code [of ethics] has yet been developed to apply to the behavior of professional

individuals in the field of academic criminal justice" (Adams, 1976:308). This ignorance of ancient "codes of ethics" for teachers and scholars (see Ross, 1976:100-104) may help to perpetuate the belief that many criminal justice professors are thinking like cops who inadvertently wandered onto the campus (see Hoffman, et al., 1976). The issue of the extent to which criminal justice practice is professional, will be discussed because of its importance to the nature of criminal justice education.

Are the fields of criminology or criminal justice academic disciplines? Webb and Hoffman (1978:349) define a field as a discipline "if it has a subject matter of its own. In other words, a field of study is recognized as a discipline when it establishes that it has a body of knowledge that is distinct and autonomous from other disciplines." This is a good definition of what the term discipline means when used in the academic world. The autonomy of the body of knowledge involved should not be overstated. Wolfgang (1963:157) is correct, in a sense, in stressing that even a mature discipline is interdependent with other branches of knowledge. But as I have noted previously in this paper, some interdisciplinary areas remain tethered to their parent disciplines, while others achieve independent status. Like the notion of social maturity, as contrasted to the idea of legal maturity, when a field achieves disciplinary status is not subject to precise delineation. Also, I must admit that my conclusions on this point are impressionistic. However, it seems that a field has matured to disciplinary status when its adherents need not return to the ideas, paradigms, theories, methods, and basic body of knowledge of other areas to produce new knowledge.

In this context, criminology has not attained the position of a discipline. First, the core subject matter of criminology is not known. In recent years sociologists have opted for the concept of deviance as a valuable construct which encompasses a variety of socially defined behaviors. Deviance appears to be the sort of concept that lends itself to scientific study, hypothesis formation, and testing (Wilkins, 1964). Thus, one group of sociologists may view criminology as one branch of deviance, itself a sub-area of sociology. Furthermore, there has been a long debate in the field of criminology over whether conduct norms or legal definitions should establish the outlines of the field (Wolfgang, et al. 1970:1-60). This debate has ended in a stalemate with both sides exhausted. (I shall comment further on this issue in the next chapter). Fundamental debates over the very existence and subject matter of an area are not compatible with disciplinary status.

If we examine certain areas of criminology, there is such a heavy infusion of valuable, and even critical, input from other disciplines as to give the strong impression that criminology does not rest on its own bottom. Critical criminologists draw their strength from the political-economic reasoning of neo-Marxian theorists rather than the other way around (Taylor, et al., 1973). The new biosocial school of thought in criminology, though championed by one of the leading criminologists (Jeffery, 1978) draws heavily on the contributions of medical scientists (Hippchen, 1978). One of the most original contributions in the anecdote-ridden subspecialty of organized crime has been made by a cultural anthropologist using the tools and concepts of his trade (Ianni, 1972). Criminology is not merely a receptacle for the methods and theories of other disciplines. Much innovative research and scholarship is done by those who see themselves as criminologists. But, so much of this work refers back to the social science disciplines as to call into doubt the disciplinary status of criminology.

If the disciplinary status of criminology is in doubt, the same is doubly true for criminal justice. The topic has been explored in the pages of the *Journal of Criminal Justice*. Adams (1976) piles up an impressive number of references who

state that criminal justice is a discipline. [Note that one of these authorities refers to "a new academic *field* of scholarship, research and didactics called criminal justice administration" (Newman, 1978:4, emphasis added).] I think, however, that they rely on fundamentally erroneous ideas. Perhaps it would be useful to say what a discipline is not. A field of study can have coherence and even a body of knowledge to call its own and still not be a discipline (e.g., public administration). Also, a field may be a discipline even though it is not "grounded in social and behavioral science theory and research" (Adams, 1976:305). A field is certainly not a discipline merely because introductory textbooks are written about it. Unlike the Webb and Hoffman (1978) definition, Adams broadly defines a discipline as "a branch of knowledge requiring scholarly research and study, generally recognized as a distinct field of study" (1979:304). Such a broad definition gives no criterion for exclusion.

Let us clarify the concept of a discipline with examples. A discipline does imply a unified area of scholarship with shared understandings of method and subject matter. Like the natural elements, they may be divisible but still form the basic blocks of knowledge. Thus, the critical element of a discipline is its autonomy. Disciplines such as literature or chemistry have core subject matters (works of literature, the natural elements) and methodology (textual analysis, laboratory experimentation) from which subspecialties may spin off (Shakespeare, physical chemistry). Some multidisciplines grow into disciplines (biochemistry); others do not or have not yet so developed (social psychology). A field may be a professional area tied together by several underlying sciences and practical techniques or disciplines (medicine, engineering, education) or an area of diverse disciplines tied together by a commonly perceived theme (African studies). While there is overlap between these distinctions, it seems that when the diversity and derivativeness of criminal justice, noted in the preceding chapters, are taken into account, criminal justice shares more of the characteristics of a field than a discipline.

The main point, though, from the goal-oriented point of view, is not that criminology and criminal justice do not fit the definition of a discipline, but that the consequences of prematurely claiming disciplinary status confers a more secure institutional identity and greater autonomy within the university. But there are costs of disciplinary status as well (Webb and Hoffman, 1978). The disciplinary label may conflict with appropriate teaching and service in a field that is more properly conceived of as professional. The narrowing and boundary creating aspects of a discipline can stifle creativity and innovation, although this depends on the breadth and strength of the paradigms, theories, and methods of a discipline. Finally, and fundamentally, disciplinary status does not enhance the advancement of knowledge. Webb and Hoffman's position is "that a paradigmatic foundation, rather than disciplinary status, is essential for fitting together bits and pieces of knowledge" (1978:351). Disciplinary status and benefits cannot be arbitrarily imposed on a field, but flow from the growth of a body of knowledge from description to theory to paradigmatic structure in the sciences, or to richness and autonomy in the humanities.

Criminology, then, is not a discipline. To take the position that it is not a science is a more debatable point. A large proportion of the research which is reported in the journals appears to meet the standard criteria of scientific activity. Many findings about crime are based on such work. This body of research goes beyond description and aims toward theory development and testing. I am in general agreement with Wolfgang's (1963) description of the work of criminologists as scientific. Also, the mere fact that a field is filled with

theoretical controversy or that it is interdisciplinary is no reason for concluding that the field is not a science. To reiterate and amplify this point, I readily admit and put forward the proposition that there is a science of crime and a science of criminal justice. It is not a semantic trick to say that criminology is not a science; but that there is a science of crime. Any natural or social phenomenon—everything under the sun—can be studied scientifically. There is a science (or there are sciences) of, and pertaining to, agriculture. But agriculture, as an institution, is not a science, and to label it so (and to take such a label seriously) would cut the teaching and practice of farming off from valuable information that is not, strictly speaking, scientific.

When a field is labeled a science it carries institutional connotations. A current approach of philosophers of science is to define scientific activity by carefully describing what scientists do. Such a view liberates us from the less precise and sterile debate of induction vs. deduction as the basis of scientific thinking. This view is also sound in its recognition that meaning ultimately rests on shared understandings in any field, no matter how rigorous the proofs (Popper, 1959). However, to attach the label of science to a field carries some of the costs of the disciplinary label.

First, certain of the academic social sciences do not precisely fit the label. An apt example is political science. The field of study called "government" has become transmogrified into political science. This change marks the dominance of a field by scholars who study politics and government using social science methodologies and, where possible, quantitative analysis. A few short decades ago "political sociologists," as they were known, occupied low status in Government departments. The general growth of graduate education and the emphasis on research and on becoming governmental advisors, has led to a situation where the last have become first (Ross, 1976:105-106). I do not deny the existence of scientific study of government. However, it is possible that the tail is wagging the dog. The study of classical political philosophy remains critical to understanding government. Likewise, the study of constitutional law is of vital importance in appreciating American government. There is much of real importance be known and studied about diplomacy and international relations, comparative constitutional systems, public administration, legislatures, and the executive branch, that cannot be encompassed by econometric models. We may be at a point where the discriminating reader can learn far more about how the government *actually* works from the pages of *Harper's* and the *New York Times*, than from the *American Political Science Review*. One may, with some reason, conclude that the designation of political *science* may in part be promotive and honorific.

A cost of departmental mislabeling that must give us pause is the effect on undergraduate education. Our most perceptive educators have joined the chorus of voices decrying the national scandal of the production of illiterate college graduates (Giamatti, 1976). To some extent, institutional labeling creates expectations and channels action. Our labels have turned us away from our roles as educators. The results are frightening. When a course such as constitutional law, in which nuance of language is so important, is graded by multiple choice examinations rather than essays, we have to look no farther than the walls of the classrooms to know why our students cannot write. But then, educational scientists assure us that multiple choice examinations are as *valid* as any others to *evaluate* students. What is especially frightening is that what we are inflicting on our students are also self-inflicted wounds (Chargaff, 1980).

There is much that can be known about crime and criminal justice by analysis of data from available governmental sources, from structured observation, from

survey and questionnaire research, and from field and controlled experiments (Greenstein, 1975). But, there is much that can be learned by less rigorous techniques that are products of genuine scholarly inquiry and disciplinary (as well as disciplined) modes of thought. Such scholarship establishes a valid sense of understanding which is extremely valuable in teaching students what an aspect of the world is like, in forming wise policy choices, generating hypotheses for scientific research, and creating a context within which scientific findings can be better understood. A good example is *Felony Justice* (Eisenstein and Jacob, 1977), a fine study of the operation of criminal courts. The descriptive and journalistic part of the book, guided and informed by the perspective of political science, is as valuable as the analysis of data if not moreso. Without belaboring the point, it seems that if what we know about crime or about the criminal justice system were limited to theoretical statements supported by findings, whether the theories were in the forms of "sets of laws," "axioms," or "causal process" (Reynolds, 1971:83-114), we would have very weak and thin fields of study. Bennett (1975) notes that the current state of criminal justice research tends to be descriptive and prescientific. The academic field of criminal justice should aim, in part, to develop a scientific body of knowledge. Admittedly, criminology seems closer to such a status. But there is more to these fields, especially criminal justice, than can be yielded by the accumulations of such studies. What the fields need is a greater sense of balance and toleration of alternate forms of scholarship. The growth of a science of criminal justice should be accompanied not by a demise of descriptive work, but by the growth of rigorous scholarship in which good descriptive and analytic studies have a place (Geis, 1975).

To call criminology and criminal justice sciences is to make an institutional statement which, I believe, is harmful to the best interests of theoretically powerful work in the fields. As with the disciplinary label, when people in a field claim that their work constitutes a science, the institutional side of the claim implies a rich matrix of established theoretical knowledge and an established methodological orientation. The knowledge matrix of crime related studies is too heavily dependent upon non-scientific scholarship and on the findings of basic scientific disciplines to carry the science designation. Also, social scientists who carry on scientific studies of crime or justice agencies have not carved out unique methodological approaches (Jackson, 1975). Hirschi (1975) has indicated the critical dangers to good science that occurred when sociologically oriented criminologists became so captured by their disciplinary boundary as to shut out valid input from elsewhere. Given the state of the art of crime and justice studies, it appears that their methodologies are indistinguishable from those used in other social sciences. The argument that there is only one scientific method misses the point that within the branches of natural and social science different specialists become associated with particular ways of going about the business of inquiry. Far from being upset with the eclectic nature of criminology and criminal justice studies, I believe that this is a healthy response to the lack of a developed science in either field. If we in criminal justice and criminology jump too quickly to claim the honorific title of science for our fields, we by implication partially close the door to alternate methodologies and organized bodies of knowledge. If the door closes too soon there is a danger of sterility. It will require a great deal of maturity for reseachers in these fields to admit that in significant ways criminology and criminal justice are not sciences, or at least, not mature sciences.

The last question is whether criminal justice practice is in part a professional area. To the extent that it is, there are implications for the structure and content of criminal justice education. Adams (1976), borrowing from Hall (1967), iden-

tified four structural components of professionalism: (1) creation of a full-time occupation; (2) the establishment of a training model; (3) the formation of professional associations; and (4) the formation of a code of ethics. It seems to me that an additional element or aspect of the occupational role is necessary to flesh out the idea of what is commonly meant by professionalism. Namely, the professional not only applies professional training in accord with a code of ethics, but the work itself must possess elements of discretion and judgment. The lawyers who work within criminal justice are traditionally placed in the professional category. Indeed, the law is often taken as a paradigm of professionalism, with all its strengths and weaknesses. Clinicians working in corrections are also regularly deemed to be professionals. Likewise, while there may be some quibbling over the point, the roles occupied by administrators in police and corrections can be seen as professional without stretching the point. Controversy settles on the functions of patrol officers and correctional officers. The "discovery" of patrol officer discretion has led to a rather general belief that officers are professionals and should have college educations (National Advisory Committee, 1974:367). Poole and Regoli (1979) indicate that job experience as a patrol officer can be a trauma that erodes commitment to ideals of professionalism. There seem to be many contradictions in viewing police work as professional. Police do exercise discretion about human beings, but are structured in para-military organizations. Police work requires knowledge of law, social structure, abnormal psychology, and paramedical skills. It requires application of this knowledge in critical situations where there may be little in the way of orders from supervisors. On the other hand, the growth of unionization and the development of monitoring radios and beepers increases supervisory control over patrol officers. While the conclusion that police officers are professionals may be premature, it does seem that police work has the clear potential of growing to professional status.

To sum up, many criminologists and criminal justice academicians are social scientists. As institutions, however, neither criminology nor criminal justice is a science or a discipline. This conclusion is based, first, on the failure of either field to measure up to the basic criteria of disciplines or sciences and, second, because to claim such status would be injurious to good research and teaching. Certain aspects of criminal justice practice are professional, such as police administration or correctional psychology, while others, such as patrol work, are potentially professional.

Chapter Six

The Legal Orientations of Criminology and Criminal Justice

As noted in the author's preface, my interest in the distinctions between criminology and criminal justice grew out of a need to explain to my students the essential difference between substantive criminal law and criminal procedure. The need to make a programmatic decision—as to which law course was so important that it should be a required core course in a criminal justice undergraduate program of studies—led to further refinements on this theme. Of great importance to this train of thought is the contribution of Jerome Hall (1960:600-21). His essay was sadly neglected by criminologists who have written on the place of law in criminology. I believe that attention to his insights would have clarified much unnecessary confusion in that debate.

Let me present the standard concept of the relationships between three kinds of law which, although correct in its sphere, is not a correct way to examine the problems at hand. According to the "hornbook" approach, there are three kinds of legal rules. Substantive law (whether created by statute, including constitutions, or cases) establishes jural status, rights, and obligations; procedural law creates the mechanisms by which substantive rights may be effectuated and vindicated; and remedial law determines the kinds of specific performance and transfers of value which constitute the material substance of legal vindication (see, e.g., Kinyon, 1971). Under this conceptual scheme, basic norms of social behavior are formally transmitted into legal obligations and rights via the substantive law. Procedural law (e.g., criminal procedure) would then constitute the rules by which breaches of substantive law (e.g., criminal law) are dealt with. Criminal procedure, like civil procedure, is concerned with the jurisdiction of courts over the parties and over the subject matter of the crime, with the means needed to "attach" the person (of course, the summons may be used in criminal law and arrest is available in civil procedure; the state's power is unitary!), and the rules of practice designed to move a controversy through pre-trial stages, trial, and appeal. The remedial law of crimes would establish the modes and parameters of the application of the state's power to a convicted offender. In a word, criminal procedure merely facilitates substantive criminal law.

Another aspect of the standard concept is that the law is a self-contained whole, a closed system which operates on its own logic without significant input from the larger society. As a jurisprudential position, this statement has been questionable for at least the one hundred years since Holmes' lectures on the common law were published. "The life of the law has not been logic: it has been experience" (Holmes, 1963:5). All teachers of law in the university who aspire to

an intellectual level, rather than rote teaching, are "sociologists of law" to one degree or another. And, of course, in legislative or judicial lawmaking the ancient pretense "that the law is a system of known rules applied by a judge" (Levi, 1961:1) is not at all tenable. The "sociological" point of view has become so orthodox in legal studies that it may startle some to realize that legal practitioners in many ways do operate as if law is a closed system. Scholars in many fields, while favoring the notion that their science should infiltrate the law, take no notice of the reciprocal: that legal ideas have importance in their bailiwick. From these viewpoints, what can we say about the place which legal study should have in criminology or criminal justice? To the criminologist the rules of substantive criminal law hold an obvious interest. Even if conduct norms are taken to be the central subject matter of criminology (Sellin, 1970), society's formal reaction as expressed in the criminal law is of some importance.

Under the standard view, criminal law is central to criminal justice. The legislature, by defining crimes, creates a blueprint, so to speak, for police, prosecutors, judges, and corrections. The public agencies of social control in a democratic society can impinge the citizen's freedom only for breaches of established law. Outside those social norms the person is free to act as foolishly or wisely as he will, to organize and carry on his life. While rules of criminal procedure are of professional importance, they tend to take on a mechanical, how-to-do-it aura, not fitting for scientific or other criminological scholarship. Even criminal justice scholarship can derive little social or scientific insight from knowledge of the intricacies of criminal procedure. But, while the criminal law (and not criminal procedure) seems to be of importance to criminologists and criminal justice scholars, it seems to remain external to the central teaching and research concerns of most.

If we delve below the surface, two insights emerge which shatter the standard view. The first is Hall's concept "that criminology and penal theory are actually inter-dependent phases of a single body of knowledge" (1960:601). The other is that the law of criminal procedure has a substantive aspect which gives it an intimate, rather than casual, association with criminal justice. As I see it, the study of criminal law (i.e., penal theory) is a categorical part of the study of criminology. The criminologist who does not comprehend penal theory is not fully educated in the basic knowledge of criminology. Likewise, the study of criminal justice is incomplete without knowledge of criminal procedure, which is its integral legal aspect.

According to the Sellin-Wolfgang (1970) school of thought, the legal definition of crime, while of some importance, is datum external to the real concerns of criminologists. This, I believe, accurately represents their position, although it derived from a need to override *arbitrary* legal definitions to get on with the task of measuring the severity of delinquency. To come to this conclusion, the criminologist looks to the definition of crimes designed for use by legal practitioners (e.g., the use of Marshall and Clark, 1970 in Wolfgang, et al. 1970). Such definitions are indeed presented in such a cut-and-dried fashion as to give the impression that legal rules and definitions are simply arbitrary. It would be analogous to presenting a catalogue of findings about crime as exemplary of criminology. But this fails to acknowledge a rich theory of the law of crimes. Criminal law theory serves the same role as scientific theory to explain

> . . . otherwise disconnected bits of knowledge. While a scientific theory is directly valid in relation to the empirical laws it explains, these, in turn, are verified by their correspondence with fact. Significance, simplicity, and suggestivity in research determine preference among competing theories (Hall, 1960:1).

Thus, in Hall's view, a theory of penal law (i.e., penal theory) must explain the diverse data of its subject matter. Is there any way in which the laws of larceny and rape can be explained as parts of a coherent whole? Despite their diverse aspects there are general elements of similarity. A taxonomy and theory of criminal law can proceed much as a taxonomy and theory of biology explains the essential similarities between a dolphin and a human being. However, one critical way in which penal theory differs from any social science theory is that the former deliberately incorporates a normative point of view. It is, in a sense, a policy science. To encapsulate Hall's penal theory:

> The principles of criminal law consist of seven ultimate notions expressing: (1) *mens rea*, (2) act (effort), (3) the "concurrence" (fusion) of *mens rea* and act, (4) harm, (5) causation, (6) punishment and (7) legality. These principles can be allocated to three conceptions: law, crime and punishment. The combined meaning of the principles can be stated in a single generalization: *the harm forbidden in a penal law must be imputed to any normal adult who voluntarily commits it with criminal intent, and such a person must be subjected to the legally prescribed punishment*. Criminal theory is largely concerned with the elucidation of this generalization (Hall, 1960:18)

He goes on to do so and during the task makes it clear that while jurisprudential analysis is the primary technique, the principles (e.g., *mens rea*, harm) cannot be fully understood without a scientific understanding of normal psychology or society. Thus, "the elucidation of the meaning of legal rules and doctrines depends upon empirical knowledge" (Hall, 1960:600).

Hall looks beyond the narrow concerns of the practicing lawyer or the criminologist investigating an aspect of criminality. He makes an imaginative leap to the conclusion that criminology and penal theory are inter-dependent phases of a single body of knowledge. To accept this statement requires the reader to look past the specialized techniques, different technical languages, and separate disciplinary roots of penal theorists and criminologists. It requires that the subject matter of criminology be conceived of as human behavior, in a social and cultural context, which society has responded to in a formal and legal way. It requires an acceptance of phenomena as undivided wholes and an understanding that disciplinary thinking (rather than phenomenology) is necessary for individuals to grasp reality. It should be emphasized that Hall sees the relationship between the two phases as "quite complex." Criminal law is not applied criminology. Penal theory certainly does not delimit the scientific agenda of criminologists. Neither field is dominant—they are different, but not so different as to be external to each other.

If Hall's view is correct, as I believe it is, the consequences for both criminology and penal theory would be great. In those instances where criminologists have given some thought to the actual legal meaning and consequences of phenomena under investigation, their impact has been substantial. For example, sociological inquiry into "white collar crime" and "victimless crimes" has genuinely expanded the horizons of legal thinkers and lawmakers as well. Both categories are general sociological labels for kinds of behavior in certain social contexts. As such they are not apt definitions for the operational side of law. The dragnet aspect of vague legislation poses severe threats to civil liberty, a point that criminologists would appreciate if they studied constitutional law or the principles of legality and act (Hall, 1960:27-69, 171-211). Paul Tappan (1970), in opposing the concept of "white collar crime" stressed this. However, Tappan may have too strongly implied that the criminal law sets the metes and bounds of criminological inquiry. What criminologists have contributed is a lively

awareness that the penal theoretic principle of harm is as fluid as the surrounding culture will let it be. Sutherland's writing on white collar crime is in one regard naive concerning the distinction between criminal and civil infraction (Sutherland, 1970). On the other hand, his studies add important data to the jurisprudential question concerning the divisions between public and private law. Finally, this sort of inquiry has policy implications. The questions that sociologists have leveled at the law have been seriously considered and have resulted in a move toward eliminating some acts from the scope of criminal law (e.g., public intoxication), and including others by legislation and more vigorous enforcement (e.g., business frauds) (Clinard and Yeager, 1978).

From the point of view of criminal law scholarship, these social science inputs are not fortuitous or external. They go to the heart of penal law theory and may be the only source of vitality for the field:

> What is desperately needed is not just more lawyerish jurisprudence-as-usual, but the sort of radically new conceptualizations and theoretical formulations which can only come by taking basic intellectual risks and from opening the mind to fundamentally new ways of comprehending the phenomena of criminal law. I doubt that the jurisprudence of criminal law will see any more progress in the next hundred years than it has in the last unless use is made of the insights, concepts, and theoretical formulations of adjacent disciplines (Griffiths, 1970:1391).

This comes not from an external critic, but from a professor of law. From the criminologist's point of view, a solid knowledge of law and legal theory could open up exciting levels of theoretic scholarship. In a sense, the criminologists have tackled easy questions. The obvious inanity of much criminal legislation leads to reformist postures and half-formed theory. But, if from knowledge of legal history and theory a social structuralist were to ask, "What would the consequences be to contemporary American society if the law of murder were decriminalized?" the unfolding answer could provide important theoretical conclusions. Thinking the unthinkable does not lend itself to easy moralizing or to easy conclusions. It might yield important insights about crime, law, public opinion, and morality.

What is the relationship of the area of criminal procedure to criminology or criminal justice scholarship? In the standard concept presented at the beginning of this chapter, criminal procedure is seen as a technical area outside the central interest of social scientists. But, I have suggested that criminal procedure has a substantive aspect that makes it of first importance to criminal justice scholarship in an analogy to Hall's view of the criminal law theory-criminology link. Rather than being merely facilitative, the law of criminal procedure has developed into an area of powerful constitutional limitations on criminal justice agencies. Concomitantly, rights have been established for criminal suspects and convicted offenders. In rough analogy, as criminal law serves to protect persons against depredations of other individuals, the law of criminal procedure serves to protect individuals against the illegally excessive power of government.

The law of criminal procedure is pervasive in criminal justice: it establishes much of the framework of practice and much of the scholarly agenda. Certain practices, processes, or institutions of criminal justice would have no existence but for the law. Bail, the grand jury, jury trials, and sentences of probation are all topics which are empirically studied by criminal justice scholars. They are not absolutely necessary to a justice system, but exist in ours because of the peculiar attributes of Anglo-American legal traditions and rules. The very outline of the criminal "process" is in large part a legal outline. Many aspects of criminal justice practice involve social actions whose dynamics outrun the legal perspec-

tive. Thus, the legal decision to arrest is modified by the social environment (Bittner, 1969). But an attempt to fully comprehend the subject of arrest, without reference to the content of the law of arrest and the underlying constitutional theory of balance between the needs of the government and requirement of liberty inherent in due process, and the concept of probable cause, must fail. The law of arrest is not external to the arrest process. On the other hand, it is fanciful to attempt to understand criminal justice practice solely from knowledge of the law. The socio-administrative study of criminal justice adds a vitality to the understanding of the law which is a hallmark of criminal justice studies. Thus, the social reality of plea bargaining may be studied by a sociologist (Newman, 1956) or lawyer (Alschuler, 1968); both add to our knowledge in ways that are impossible with the didactic methods of statutory or case analysis. Furthermore, the criminal justice interdisciplinary study of legal practices or processes is often more valuable to policy than strictly legal study. The kind of legal research and analysis taught in law schools, while intellectually demanding, is a technique that is designed for the practice of law. It should play only an ancillary role in criminal justice research and teaching. But, it does have a place. More important, however, is the need to integrate legal and constitutional aspects of criminal justice in the holistic study of the field.

Constitutional criminal procedure can be studied in isolation. If it is seen, though, as integral to criminal justice studies, its natural links to other ways of viewing social reality can provide a more powerful teaching forum and a research agenda as well. Constitutional norms are not arbitrarily imposed on society. They spring from a mixture of professed ideals embodied in the often ambiguous language of the Constitution's provisions and the needs of the polity at a given time as interpreted by the judges. "The Constitution in its general provisions embodies the conflicting ideals of the community" (Levi, 1961:58). The study of criminal procedure is an opportunity to study the formal norms which are prominent enough to gain primacy in the competitive arena of constitutional adjudication. The study of the relationship of ideology and criminal justice, for example, fails to tap a vital source of information and authority if it overlooks the state of constitutional criminal procedure. The acknowledgement of the "Due Process" model as one of the antinomian aspects of the criminal justice system certainly gives the constitutional basis of much of criminal justice its due. But in the dozen or so years since the appearance of Packer's two models there has been little building on his work conceptually. Even the teaching of criminal procedure in its social context is rare. While one promising avenue of empirical research is the study of the impact of legal rules on the behavior of criminal justice agents (Comment, 1967), most of the empirical criminal justice research fails to make even such kinds of inquiry. Some empirical inquiry into the workings of justice agencies are descriptive and atheoretical. Others are used to illuminate sociological theory. Many acknowledge that perceived reality may conflict with constitutional norms. But most fail to expand on such implications and this may be caused by the low level of legal training of criminal justice educators and researchers.

What is needed at the outset is an awareness in the schools of criminal justice that are responsible for training the next generation of criminal justice scholars (as opposed to those programs which educate criminal justice professionals), of the importance of procedural law, and the development of teaching strategies that emphasize the interdisciplinary links of criminal procedure to an understanding of criminal justice. Such a basic understanding of the division of legal topics and their concomitant fields of study would go a long way toward im-

proving the integration of legal studies in crime related programs. For example, Kuykendall's matrix of subject areas and content emphases, drawing on college catalogue course descriptions, places the study of substantive criminal law theory in the professional approach to criminal justice, constitutional issues in the theoretically oriented programs, and the two are jumbled up in the technical (vocational) schools (Kuykendall, 1977:155). This is sheer nonsense. Both criminal law and criminal procedure can be taught by rote at the police academy. Both areas are of practical concern to practicing attorneys and concepts within them are subject to legal didactics. In addition, however, both are theoretically grounded fields. Penal theory is rooted in common law and is explicated by knowledge of human psychology and general social values and structures. It pertains to behavior which is the focal concern of criminology. The theory of criminal procedure (including corrections law) is based in constitutional law and its social referent is the political structure, needs, and values of a society. A criminologist—one who is a social scientist seeking to explain crime—must know penal theory for a whole knowledge of crime. Likewise, the criminal justice researcher is blind to the normative side of the area under investigation without a grounding in constitutional criminal procedure theory.

Chapter Seven
Conclusion

The distinctions between the fields of criminology and criminal justice are real and cannot be eradicated by arbitrary labels. Thus, the School of Criminal Justice at the State University of New York at Albany includes in its program a major orientation toward "the nature of crime," leading John Conrad to identify the School as primarily a school of criminology "with advanced training available for rising officials in criminal justice" (Conrad and Myren, 1979:16). When a criminological purist such as C. Ray Jeffrey notes in passing that "we encourage our professors to become police," (Jeffrey, 1978:151) he may be indicating that even schools of criminology such as that at Florida State University may be heavily oriented toward criminal justice.

Too much, however, can be made of the distinctions. First, the overlap between the two fields is extensive enough to blur the boundary. Next, the concerns of researchers should not be confined by the distinctions. Finally, the distinctions do not necessarily imply how university programs should be structured.

There are several topics of research which cannot be neatly bounded within criminology or criminal justice. Deterrence, for example, is a topic which requires analysis of various aspects and outcomes of criminal justice activity (e.g., patrol levels, prisonization rates) in relation to crime levels. Indeed, wherever criminal justice effectiveness as measured by crime control comes into play, there is an intermingling of criminal justice and criminological concerns. The study of crime causation is concerned in part with the labeling effect of criminal justice processes. This requires an accurate understanding of criminal justice practices and a scientific assessment of how they affect persons. Criminal justice policy thinking and action which is aimed toward specific forms of criminality should rest on a sound knowledge base concerning the behavioral patterns of the targeted criminals. In short, a complete education in criminal justice requires the study of criminology. And today's criminologist who is not conversant with criminal justice is lacking vital knowledge which in large measure gives context to research and knowledge about crime.

Many criminologists and justicians today are interested in research topics which fall in both areas. While I think that the distinctions between the fields are real, I cannot think of a good reason why a competent criminologist, who has done research on crime causation, should not turn to a study of police organizational structure. A scholar encounters real problems when going beyond his discipline; for a sociologist to do competent psychological research, for example, would require considerable "retooling." But for a social scholar to explore one area of the social world, and after a time to shift attention to another, is a common and valuable practice. Academicians in criminology and criminal jus-

tice should not be imprisoned by the focal concerns of the fields. Rather, scholars and scientists in both fields may be likened to wild tribesmen who follow their flocks to where the grass is green, heedless of national frontiers.

Much of the current debate in criminology and criminal justice about the scope of these fields tends to concern academic "turf." The growth of crime related programs of study have increased the stakes. No hard-and-fast rules about the structure of academic programs necessarily flows from the heuristic typology. If there is sufficient student interest, a university might establish a separate criminology department which is devoted to the interdisciplinary study of crime and deviance. I am not sure that scholars with interests in crime would prefer that to remaining housed in their disciplines. For a research oriented criminology faculty, a structural solution might be a Crime Studies Center which draws on scholars from various departments. Criminology, however, continues to be housed primarily in sociology departments, although in some universities it is incorporated into criminal justice programs.

Criminal justice, though a newer field, is typically located in a separate department. It is not uncommon for a new criminal justice program to be housed in a social science department such as sociology or political science. Sheer student body size, though, has played a role in establishing departmental independence. The placement of criminal justice departments in university structures varies. Some units are autonomous colleges or schools. Others have departmental status in colleges of liberal arts, social science, applied social science, human services, and the like. It is difficult to know which sort of placement is appropriate. Much depends on the perceived role of the unit and the history of its gestation. The history of such departments also determines where courses in criminology are taught, or whether what is in fact a criminal justice program is labeled criminology.

Within criminal justice there is much interest and discussion of the internal structure, orientation, and course content of academic programs. This is appropriate for a new field. Although this is a rather large topic and somewhat off the main issue of this monograph, a word can be offered. The quality of police education (a large component of criminal justice education) has been criticized (Sherman, 1978). It seems to me that most of this criticism is accurate. Reactions to the general state of criminal justice education include blanket denials and the interesting position that the general state of American higher education is in such desperate straits (quite true) that criminal justice is no worse! Another reaction by academic purists is that criminal justice education should be purged of professional course content (Brandstatter and Hoover, 1976). Such a "purist" reaction is understandable within the context of their article which focuses on the baccalaureate level of education. I think it is no disgrace for criminal justice to be taught at a quasi-vocational level at community colleges. Job targeted education, after all, is an important function of two year colleges and is not to be denigrated. Likewise, I believe that programs which offer master's degrees in criminal justice should be in the business of professional education. To the best of my knowledge, no one in a law school or social work department at the M.S.W. level feels status deprivation because students are prepared for professional rather than academic careers. There is, of course, room for a research "track" in professional schools. It seems to fundamentally misconstrue the real value of criminal justice education at the M.S. level if it is treated simply as a way-station to the Ph.D. It is also hyper-defensive to deny the professional nature of education for criminal justice administration, treatment, and the like. It goes without saying that teaching standards in such programs should be high. I can see no reason why the

rigor of education in a professional school of criminal justice should be any lower than that of a good law school.

Most criminal justice departments with graduate programs also have four-year degree programs. At the baccalaureate level, I think it is more appropriate for the academic enterprise to be oriented toward a liberal education. It is true that certain fields with technical content, such as engineering and architecture, offer professional degrees at the bachelor's level. However, there are serious problems with an extension of this approach. A large proportion of undergraduate criminal justice students do not enter the field. For them, a general education is more valuable in the long run. Next, professionalism (or pre-professionalism) at the undergraduate level may continue to mask the problem of quasi-literacy. Under the guise of professional education, foreign languages and area requirements are pared down or dropped. The undergraduate student should undertake the difficult path of acquiring the intellectual skills which will allow for lifelong self-education. Persons with sound educational foundations are better able to meet the vicissitudes of professional life and to solve the intellectual puzzles that will confront them. Given the tenor of undergraduate education today, this is best accomplished by rigorous area requirements, including mathematics and foreign languages. Criminal justice can contribute to the general education and intellectual excellence of undergraduates. Research methodology, statistics, and law are courses that typically require problem-solving skills and the sophisticated use of one's intellectual ability. Other courses should move away from simple descriptions of criminal justice activity toward more theoretically based learning. While learning about criminal justice, the student can be required to link such knowledge to theories of social structure, personality and the polity. All this must be combined with a renascence of faculty authority based on scholarly excellence. There is no reason why undergraduate criminal justice education should not be a screen rather than a sieve.

The shift from an undergraduate general education to a master's level professional program (and perhaps another turn toward a form of "general" education for programs which offer doctoral degrees!) would undoubtedly cause strains on the faculty. I think that such a model can be maintained and might in the long run lead, at least, to a more interesting and varied intellectual career for faculty members.

To return to the topic of criminology and criminal justice, I think it best to conclude on a note of indefiniteness about program structure. Despite the inherent differences noted in the heuristic typology, I simply do not see a mandate that crime and justice studies should necessarily be institutionally separate. If they are separate within a university it behooves scholars in both areas to cooperate for the betterment of the total education of students. This, undoubtedly, will create some strains over issues of "turf." They are not insurmountable, though. Likewise, if criminal justice and criminology education is combined within a department, the natural distinctions arising out of different focal concerns will surely cause strains over issues of program direction and course content. I do not foresee a common paradigm within which criminology and criminal justice can be blended into a unitary field. Even Victor Streib's imaginative and fundamentally correct concept of a social control curriculum as an appropriate organizing theme for criminal justice (Streib, 1977) is not so broad as to encompass criminology *qua* criminology. These two fields will have to live with each other. Their unfolding relationship will be of importance to students in crime related programs, to the kind of research conducted, and to their fields of practice.

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